

Notice of May 31-June 1, 2017 meeting of the Board of Architectural and Engineering Examiners.  
Posted to the Board of Architectural & Engineering Examiners' website on May 22, 2017.



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

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**AGENDA**

**BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
NOTICE OF BOARD MEETING**

Davy Crockett Tower, Conference Room 1-B  
500 James Robertson Parkway  
Nashville, Tennessee 37243

**Wednesday, May 31, 2017**

**1:00 P.M.**

**ENGINEER COMMITTEE MEETING**

*Members: Ricky Bursi, Robert Campbell, Stephen King, Philip Lim, Laura Reinbold, Kathryn Ware*

CALL TO ORDER – Laura Reinbold, Chair

NEW BUSINESS

- Applications and Audits for Review, Discussion and Signature
- Health, Safety and Welfare Continuing Education Requirements
- Report on NCEES Regional Meeting
- Appearance by Roy Shrewsbury, NCEES Northeast Zone Vice President

UNFINISHED BUSINESS

- Proposed Changes to EAC/ABET Criteria
- Review of Criteria for Fulfillment of Humanities/Social Sciences (General Education) Deficiencies

**The listed order of items and times on the agenda are subject to change, as the Board reserves the right to move to the next agenda items due to cancelations or deferrals.**

Board meetings will be conducted by permitting participation of the Board members by electronic or other means of communication if necessary. Any member participation by electronic means shall be audible to the public at the location specified above. The Department of Commerce and Insurance is committed to principles of equal access. If you need assistance with attending this meeting due to a disability please contact the Department's ADA Coordinator at (615) 741-0481.

- Electronic Seals and Signatures Requirements
  - Energy Service Companies and Engineering Registration Laws
  - Decoupling of the Experience and Examination Requirements
- ADJOURNMENT

**4:00 P.M.**

**LANDSCAPE ARCHITECT COMMITTEE MEETING**

*Members: Robert Campbell, Jr., Blair Parker, Frank Wagster*

CALL TO ORDER – Blair Parker, Chair

NEW BUSINESS

- Health, Safety and Welfare Continuing Education Requirements

ADJOURNMENT

Davy Crockett Tower, Conference Room 1-A  
500 James Robertson Parkway  
Nashville, Tennessee 37243

**Thursday, June 1, 2017**

**8:00 A.M.**

**ARCHITECT COMMITTEE MEETING**

**CANCELED**

**9:00 A.M.**

**BOARD MEETING**

CALL TO ORDER – Susan Ballard, Chair

- Roll Call
- Acknowledge Guests
- Announcements
- Review Agenda for Changes and/or Additions

CONSENT AGENDA – John Cothron, Executive Director

- Minutes from April 2017 Board Meeting
- Staff Complaint Report

PUBLIC COMMENT

PROFESSIONAL SOCIETY REPORTS

LEGAL CASE REPORT

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DIRECTOR'S REPORT – John Cothron

- Licensing Data
- Complaint Data
- Financial Data

LEGISLATIVE UPDATE – John Cothron

ENGINEER COMMITTEE REPORT – Laura Reinbold

LANDSCAPE ARCHITECT COMMITTEE REPORT – Blair Parker

UNFINISHED BUSINESS

- Action Items – John Cothron
- Qualifications-Based Selection FAQs – Sara Page
- Rules Update

NEW BUSINESS

- Officer Elections – Susan Ballard
- Authorization of Travel and Speakers

ADJOURNMENT

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**RULES  
OF  
THE DEPARTMENT OF COMMERCE AND INSURANCE  
TENNESSEE STATE BOARD OF  
ARCHITECTURAL AND ENGINEERING EXAMINERS**

**CHAPTER 0120-05  
CONTINUING EDUCATION**

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**0120-05-.01 PURPOSE.** The Tennessee State Board of Architectural and Engineering Examiners is authorized by Tenn. Code Ann. § 62-2-203(d) (Acts 1995, Public Chapter 129), to establish continuing education requirements and standards for architects, engineers, landscape architects and registered interior designers in order to safeguard life, health and property and to promote the public welfare. The purposes of this chapter are to prescribe the basic continuing education requirements for present and future architects, engineers, landscape architects and registered interior designers and to establish standards by which continuing education programs will be evaluated for the awarding of credit.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

**0120-05-.02 DEFINITIONS.**

- (1) "ACTIVE" means a registered architect, engineer, landscape architect or registered interior designer who has complied with the continuing education requirements described herein.
- (2) "BOARD" means the Tennessee State Board of Architectural and Engineering Examiners.
- (3) "INACTIVE" means a registered architect, engineer, landscape architect or registered interior designer who has obtained inactive status from the Board and is not required to comply with the continuing education requirements prescribed herein. An inactive registrant may not engage in the practice of architecture, engineering, landscape architecture or use the title "registered interior designer" in the State of Tennessee.
- (4) "PROFESSIONAL DEVELOPMENT HOUR (PDH)" means a contact (clock) hour consisting of not less than fifty (50) minutes of instruction or presentation acceptable to the Board. Registrants will not receive credit for activities less than one (1) PDH in duration.
- (5) "REGISTRANT" means a person licensed by the Board as an architect, engineer, landscape architect or registered interior designer.
- (6) "SPONSOR" means an individual, organization, association, institution or other entity which provides an educational activity for the purpose of fulfilling the continuing education requirements of these rules.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009.

**0120-05-.03 CONTINUING EDUCATION REVIEW.**

- (1) The Board may review and may approve sponsors and programs as being relevant to the practice of the represented profession. The Board shall establish a format for documentation needed to comply with these rules. The Board shall also adopt guidelines for auditing continuing education credits claimed. The Chairman of the Board shall, for each represented profession, appoint one (1) member of the Board who is a member of the represented profession to serve as the chairman of any committee appointed to review continuing education.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

**0120-05-.04 BASIC REQUIREMENTS.**

- (1) A registrant seeking biennial renewal for the first time after initial registration shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twelve (12) PDH's the two (2) years immediately following initial registration and immediately preceding application for renewal. At least seven (7) of the PDH's claimed shall address health, safety and welfare issues and technical competency.
- (2) A registrant seeking biennial renewal for each two (2)-year period thereafter shall, as a prerequisite to renewal, submit satisfactory evidence to the Board of having obtained twenty-four (24) PDH's the two (2) years immediately preceding application for renewal (carryover hours, not exceeding twelve (12) hours, from the preceding renewal period may be included). At least thirteen (13) of the PDH's claimed shall address health, safety and welfare issues and technical competency.
- (3) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.
- (4) Individuals reapplying for registration shall, as a prerequisite to registration, submit evidence satisfactory to the Board of having obtained twenty-four (24) PDH's (thirteen (13) of which shall address health, safety and welfare issues and technical competency) during the twenty-four (24) months immediately preceding reapplication.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Repeal and new rule filed March 14, 2005; effective May 28, 2005.

**0120-05-.05 CONVERSION TABLE.**

- (1) Conversions from other units of continuing education to PDH's is as follows:
  - (a) One (1) university semester hour of credit.....15 PDH
  - (b) One (1) university quarter hour of credit.....10 PDH
  - (c) One (1) Continuing Education Unit .....10 PDH
  - (d) One (1) hour acceptable professional development education.....1 PDH

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

**0120-05-.06 TYPES OF ACCEPTABLE CONTINUING EDUCATION.**

- (1) The Board will grant credit for only such continuing education activities that satisfy the following criteria:
  - (a) There is clear purpose and objective for each activity which will maintain, improve or expand skills and knowledge obtained prior to initial licensure or to develop new and relevant skills and knowledge.
  - (b) The content of each presentation is well-organized and presented in a sequential manner.
  - (c) There is evidence of pre-planning.
  - (d) The presentation will be made by persons who are well-qualified by education or experience.
  
- (2) Continuing education activities for which credit may be given by the Board include, but are not limited to the following:
  - (a) Successful completion or monitoring of college or university sponsored courses;
  - (b) Successful completion of courses which are awarded continuing education units (CEU's);
  - (c) Attendance at structured seminars, tutorials, short courses, correspondence courses, televised courses, Internet courses, or videotaped courses;
  - (d) Attendance at in-house educational programs sponsored by corporations or other organizations;
  - (e) Teaching or instructing as described in (a) through (d) above, unless teaching or instructing is the registrant's regular employment;
  - (f) Authoring published papers, articles, books, or accepted licensing examination items;
  - (g) Making presentations at technical meetings;
  - (h) Attendance at program presentations at related technical or professional meetings where program content is comprised of at least one (1) PDH;
  - (i) Attendance at Board meetings and professional society legislative events, and active participation in a technical/professional society or organization, or a technical or professional public board, as an officer or committee member;
  - (j) Active participation in educational outreach activities involving K-12 or higher education students;
  - (k) Patents granted; and
  - (l) All such activities as described in (a) through (k) above must be relevant to the practice of architecture, engineering, landscape architecture or interior design as determined by the Board and may include technical, ethical or managerial content.

(Rule 0120-05-.06, continued)

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. However; Stay of effective date to subparagraph (c) of paragraph (2) filed by the House and Senate Government Operations Committee of the Tennessee General Assembly on July 30, 2004; new effective date October 2, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017.

#### 0120-05-.07 CREDITS.

- (1) Professional Development Hours of credit for qualifying courses successfully completed which offer semester hour, quarter hour, or CEU credit are as specified above. All other activities will be credited one (1) PDH for each contact hour with the following exceptions:
  - (a) Monitoring of university or college courses will be credited at one-third (1/3) the above-stated conversion table.
  - (b) Teaching or instructing qualifying courses or seminars will be credited at twice the PDH's earned by a participating student and may be claimed for credit only once.
  - (c) Authorship of papers, articles, or books cannot be claimed until actually published. A maximum of ten (10) PDH's per biennium may be claimed for each published peer-reviewed paper, article, or book. A maximum of five (5) PDH's per biennium may be claimed for each published paper, article, or book that is not peer-reviewed.
  - (d) Correspondence course PDH's may be considered acceptable to the Board, but the registrant shall submit, upon request, supporting documentation to demonstrate high quality course content.
  - (e) A maximum of eight (8) PDH's per biennium may be claimed for attendance at Board meetings and professional society legislative events, and active participation in technical/professional societies or organizations, or technical or professional public boards, as an officer or committee member.
  - (f) A maximum of four (4) PDH's per biennium may be claimed for active participation in educational outreach activities involving K-12 or higher education students.
  - (g) A maximum of ten (10) PDH's per biennium may be claimed for each patent.
  - (h) A maximum of five (5) PDH's per biennium may be claimed for writing accepted licensing examination items.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed December 11, 2012; effective March 11, 2013. Amendments filed October 28, 2016; effective January 26, 2017.

#### 0120-05-.08 EXEMPTIONS.

- (1) A registrant may be exempt from continuing education requirements for any of the following reasons:
  - (a) A new registrant is not required to satisfy the continuing education requirements prescribed in this chapter as a prerequisite for initial registration. However, at the time of first registration renewal, the registrant must demonstrate completion of the required continuing education.

(Rule 0120-05-.08, continued)

- (b) A non-career military registrant serving on active duty in the armed forces of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
- (c) A registrant employed as an architect, engineer, landscape architect or registered interior designer and assigned to duty outside the United States for a period of time exceeding one hundred twenty (120) consecutive days in a calendar year shall be exempt from obtaining the PDH required during that year.
- (d) A registrant who lists the registrant's occupation as "retired" or "inactive" on the Board-approved renewal form and who further certifies that they are no longer practicing shall be exempt from the PDH required. In the event such a person elects to return to active practice, PDH must be earned for each year exempt, not to exceed the annual requirement for two (2) years before the person returns to active practice. Inactive or retired registrants returning to active practice must report PDH earned within no more than two (2) years of the request to reactivate.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed September 11, 2009; effective December 10, 2009. Amendment filed September 15, 2015; effective December 14, 2015.

#### **0120-05-.09 CERTIFICATION.**

- (1) A registrant seeking renewal shall complete the certification on the renewal form and indicate the number of PDH's claimed for the renewal period. If applicable, the registrant shall also indicate the number of carryover PDH's claimed for the renewal period. Upon completion of the certification, the registrant shall complete the renewal form and submit the appropriate fee.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997.

#### **0120-05-.10 RECORDS.**

- (1) Each registrant is responsible for maintaining records which may be used to support credits claimed.
- (2) Required records include but are not limited to the following:
  - (a) A log showing the type(s) of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, description of the activity and PDH credit(s) earned; and
  - (b) A transcript or completion certificate or at least two (2) of the following types of documentation: attendance verification records in the form of signed attendance receipts, paid receipts, a copy of a listing of participants signed by a person in responsible charge, or other documents supporting evidence of attendance.
- (3) Records must be maintained for a period of four (4) years, and copies must be furnished to the Board for audit verification purposes within thirty (30) days of the Board's request.
- (4) Any registrant who fails to comply with the requirements of this rule may be deemed by the Board to have violated rule 0120-02-.02 [Proper Conduct of Practice] or rule 0120-04-.10 [Professional Conduct].



(Rule 0120-05-.10, continued)

**Authority:** T.C.A. §§ 62-2-203(c) and (d) and 62-2-308. **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002. Amendment filed May 20, 2004; effective August 3, 2004. Amendment filed March 9, 2011; effective June 7, 2011.

#### 0120-05-.11 DISALLOWANCE.

- (1) If the Board disallows claimed PDH credits, the registrant shall have ninety (90) days after notification to either substantiate the original claim or earn other credit to meet the minimum requirements.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendments filed October 28, 2016; effective January 26, 2017.

#### 0120-05-.12 NONCOMPLIANCE.

- (1) Unless a request for inactive or retired status is made, any registrant failing to furnish the required certification during the renewal period, properly completed and signed, shall not be granted renewal of registration by the Board.
- (2) Certificates of registration shall be subject to late renewal for six (6) months following their expiration date by payment of the renewal fee, plus a late penalty as set by the Board, along with a properly completed and signed renewal form indicating that all continuing education requirements for the renewal period have been completed. The applicant for late renewal of certification may not offer to engage in the practice of or engage in the practice of architecture, engineering or landscape architecture, or use the title "registered interior designer," until all late renewal requirements have been met.
- (3) Any person wishing to renew a certificate later than six (6) months after its expiration shall reapply for registration.

**Authority:** T.C.A. §§ 62-2-203(d), 62-2-307, and 63-2-308(a)(1)(E). **Administrative History:** Original rule filed April 25, 1997; effective July 9, 1997. Amendment filed July 19, 2002; effective October 2, 2002.

#### 0120-05-.13 RECIPROCITY.

- (1) If a registrant resides in or has principal place of business in a state or territory of the United States, or another country, that has established mandatory continuing education requirements for architects, engineers, landscape architects or interior designers, and that registrant has met the continuing education requirements of the registrant's home jurisdiction and is in good standing in that jurisdiction, then that registrant shall be deemed to have met the continuing education requirements of Tennessee. Documentation that the registrant is in good standing in the registrant's home jurisdiction must be provided at the Board's request. If the registrant is exempt from the continuing education requirements in the registrant's home jurisdiction, the registrant must meet the requirements of Tennessee unless the registrant qualifies for an exemption in Tennessee.
- (2) This rule shall apply only to the acceptance of professional development hours for continuing education and shall not be construed to apply to the registration by comity of architect, engineer, landscape architect or interior designer applicants from another state, territory of the United States or country.

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed February 26, 1999; effective May 12, 1999. Amendment filed March 9, 2011; effective June 7, 2011. Amendment filed September 15, 2015; effective December 14, 2015.

**0120-05-.14 ALTERNATIVE CONTINUING PROFESSIONAL DEVELOPMENT OPTION FOR ARCHITECTS AND REGISTERED INTERIOR DESIGNERS.**

- (1) As an alternative to the requirements of Rule 0120-05-.04 Basic Requirements, a registered architect or registered interior designer may meet the continuing education requirement for renewal by obtaining twelve (12) Continuing Education Hours (CEH) per calendar year. All twelve (12) Continuing Education Hours must be completed in Health, Safety, and Welfare subjects acquired in structured educational activities. Continuing Education Hours may be acquired at any location. Excess Continuing Education Hours may not be credited to a future calendar year.
- (2) For the purposes of this rule, CEH means one continuous instructional hour (no less than 50 minutes of contact) spent in structured educational activities intended to increase or update the architect's or registered interior designer's knowledge and competence in Health, Safety, and Welfare subjects. If the provider of the structured educational activities prescribes a customary time for completion of such an activity, then such prescribed time shall, unless the Board finds the prescribed time to be unreasonable, be accepted as the architect's or registered interior designer's time for Continuing Education Hour purposes irrespective of actual time spent on the activity. Registrants will not receive credit for activities less than one (1) CEH in duration.
- (3) For purposes of this rule, a structured educational activity is one (1) in which at least seventy-five percent (75%) of an activity's content and instructional time must be devoted to Health, Safety, and Welfare subjects related to the practice of architecture or interior design, including courses of study or other activities under the areas identified as Health, Safety and Welfare subjects and provided by qualified individuals or organizations, whether delivered by direct contact or distance learning methods.
- (4) For purposes of this rule, health, safety, and welfare subjects are technical and professional subjects that the Board deems appropriate to safeguard the public and that are within the following enumerated areas necessary for the proper evaluation, design, construction, and utilization of buildings and the built environment.

Building Systems: Structural, Mechanical, Electrical, Plumbing, Communications, Security, Fire Protection

Construction Contract Administration: Contracts, Bidding, Contract Negotiations

Construction Documents: Drawings, Specifications, Delivery Methods

Design: Urban Planning, Master Planning, Building Design, Site Design, Interiors, Safety and Security Measures

Environmental: Energy Efficiency, Sustainability, Natural Resources, Natural Hazards, Hazardous Materials, Weatherproofing, Insulation

Legal: Laws, Codes, Zoning, Regulations, Standards, Life Safety, Accessibility, Ethics, Insurance to Protect Owners and Public

Materials and Methods: Construction Systems, Products, Finishes, Furnishings, Equipment

Pre-Design: Land Use Analysis, Programming, Site Selection, Site and Soils Analysis, Surveying

Preservation: Historic, Reuse, Adaptation

(Rule 0120-05-.14, continued)

**Authority:** T.C.A. § 62-2-203(d). **Administrative History:** Original rule filed November 11, 2014; effective February 15, 2015. A stay of the effective date was filed January 27, 2015; new effective date May 1, 2015.

## CONTINUING EDUCATION POLICY FOR ARCHITECTS RELATING TO HEALTH, SAFETY AND WELFARE

Health, safety and welfare (HSW) in architecture is defined as anything that relates to the structural integrity or soundness of a building or building site. Requirements for HSW training are intended to protect the public.

**Health**—aspects of architecture that have salutary effects among users of buildings or sites and address environmental concerns. Examples include appropriate air temperature, humidity, and quality; adequate provisions for personal hygiene; and use of non-toxic materials or finishes.

**Safety**—aspects of architecture intended to limit or prevent accidental injury or death of building site users. Examples include provision of fire-rated egress enclosures, automatic sprinkler systems, and stairs with correct rise-to-run proportions.

**Welfare**—aspects of architecture that engender positive emotional response among, or enable equal access by, users of buildings or sites. Examples include spaces with scale, proportion, materials, and color pleasing for the intended use; spaces that afford natural light and views of nature; and spaces that provide for users with disabilities.

To qualify for HSW credit, programs or courses must demonstrate that 75% of the content specifically addresses one or more of the topics outlined below:

Accessibility	Insurance to protect the owners of property and injured parties
Acoustics	Interior design
Building design	Laws and regulations governing the practice of architecture
Code of ethics	Life safety codes
Construction administration	Materials and systems: roofing and waterproofing, wall systems, etc.
Construction contract laws, legal aspects	Material use, function and features
Construction documents, services	Mechanical, plumbing, electrical: system concepts, materials, and methods
Construction functions, materials, methods, and systems	Natural hazards (earthquake, hurricane, flood), related to building design
Energy efficiency	Preservation, renovation, restoration and adaptive reuse
Environmental: asbestos, lead-based paint, toxic emissions	Security of buildings, design
Environmental analysis and issues of building materials and systems	Site and soils analysis
Fire: building fire codes—flame spread, smoke contribution, explosives	Site design
Fire safety systems: detection and alarm standards	Specification writing
	Structural issues
	Surveying methods, techniques
	Sustainable design

Topics that do not qualify as HSW include computer software training and business practices, firm marketing, personnel and management issues.

Adopted 1-10-08

## **CONTINUING EDUCATION POLICY FOR ENGINEERS RELATING TO HEALTH, SAFETY AND WELFARE**

These example topics, related to these health, safety and welfare issues, shall be considered acceptable for credit as professional development hours in fulfillment of the continuing education requirement for engineers registered with the Tennessee State Board of Architectural and Engineering Examiners. The registrant shall also meet the requirements per rule 0120-5-.06 (Types of Acceptable Continuing Education), of the Rules for Continuing Education established by the Tennessee State Board of Architectural and Engineering Examiners.

### **(A) LEGAL AND ADMINISTRATIVE ISSUES**

1. Planning
2. Construction law
3. Governmental policies and laws that affect the use and/or development of a project
4. Development restrictions
5. Construction contracts and the responsibilities of the various parties under the construction contract
6. Professional liability issues
7. The bid evaluation process, including alternates, unit prices, bidder qualifications, bonds, etc.
8. Legal aspects of the bidding process, such as bid form, bid bond, addenda, etc.
9. Legal procedures for change orders and addenda
10. Ethical standards for professional practice
11. Project
  - a. Management
  - b. Business law
  - c. Accounting/Finance
  - d. Etc.

### **(B) INVENTORY**

1. History of the profession and/or projects
2. Information sources, such as existing documentation
3. Surveying practices
4. Landscape architecture practices
5. Architectural practices

### **(C) ANALYSIS**

1. Mathematics
2. Geology
3. Historical patterns
4. Sociological, historical and cultural influences on design
5. Behavioral factors relating to design
6. Resource preservation
7. Floodplain management principles
8. Stormwater management technologies
9. Water supply and conservation technologies
10. Characteristics of fire hazard areas
11. Visual analysis methods and techniques

#### **(D) DESIGN ISSUES**

1. Design principles
2. Functional relationships among program elements
3. Code requirements and design principles for universal accessibility
4. Principles of sustainability
5. Any codes related to the profession

#### **(E) CONSTRUCTION METHODS AND PROCESSES**

1. Construction methods and techniques
2. Construction equipment and technologies
3. Quality control procedures for construction, such as delivery, storage, testing, etc.
4. Sequencing of design, approval, permitting and construction activities
5. Methods of installation of construction materials
6. Factors influencing selection of materials (e.g., availability, cost, maintenance, location, survivability, dependability)

#### **(F) DOCUMENTATION AND ADMINISTRATION**

1. Components of specifications for a project
2. Specification types (e.g., material, workmanship, performance, proprietary)
3. General and supplemental conditions, special provisions, and technical specifications and their organizations
4. Computer technology for design and administration

#### **(G) OTHER ISSUES**

1. Any other beneficial topics that encourage, enhance, or reduce risk to the health, safety and welfare of the general public.

Adopted 1-10-08

## **CONTINUING EDUCATION POLICY FOR LANDSCAPE ARCHITECTS**

Professions are regulated through the licensure process if the following can be demonstrated:

- 1) The practice of the profession by unqualified individuals represents a serious risk to the life, health, safety, welfare or economic wellbeing of the public;
- 2) The profession requires specialized knowledge and skill which would make it difficult or impossible for a lay person to evaluate the qualifications of a practitioner; and
- 3) The benefits of licensure to the public outweigh any potential harmful effects such as a decrease in the availability of practitioners or higher costs of services.

The following course topics provide an accurate and legally defensible method of defining the knowledge, skills and abilities (KSAs) required to safely practice the profession of landscape architecture. These same KSAs form the appropriate content for the Landscape Architect Registration Examination (L.A.R.E.).

These courses topics, related to these health, safety and welfare issues, shall be considered acceptable for credit as professional development hours in fulfillment of the continuing education requirement for Landscape Architects registered with the Tennessee State Board of Architectural and Engineers. The registrant shall also meet the requirements per 0120-5.-06 (Types of Acceptable Continuing Education), of the Rules for Continuing Education established by The Tennessee State Board of Architectural and Engineering Examiners.

### KNOWLEDGE

#### **(A) LEGAL AND ADMINISTRATIVE ISSUES**

1. Planning and land use law
2. Construction law
3. Governmental policies and laws that affect the use and/or development of land
4. Development restrictions (e.g., zoning, easements, covenants, codes)
5. Construction contracts and the responsibilities of the various parties under the construction contract
6. Professional liability issues
7. The bid evaluation process, including alternates, unit prices, bidder qualifications, bonds, etc.
8. Legal aspects of the bidding process, such as bid form, bid bond, addenda, etc.
9. Legal procedures for change orders and addenda
10. Ethical standards for professional practice

#### **(B) INVENTORY**

1. Information sources, such as existing documentation, land surveys, land use plans, aerial surveys, remote sensing (GIS), zoning
2. Sources of information on specific site uses, such as sports fields, amphitheater seating, picnic areas, playground safety and golf courses, etc.
3. Surveying practices

#### **(C) ANALYSIS**

1. Mathematics
2. Geology

3. Historical patterns of land use
4. Sociological, historical and cultural influences on design
5. Behavioral factors relating to design
6. Psychological and sensory implications of landscape design
7. Natural site conditions and ecosystems
8. Resource preservation
9. Floodplain management principles
10. Littoral effects on design and construction (e.g., tidal)
11. Stormwater management technologies
12. Water supply and conservation technologies
13. Characteristics of fire hazard areas
14. Visual analysis methods and techniques
15. Topography
16. Hydrology
17. Hydraulics (e.g., stormwater collection systems, pumping systems)
18. Soils (e.g., pedology, mechanics)

#### **(D) DESIGN ISSUES**

1. Design principles (e.g., scale, function, balance)
2. Aesthetic principles of landscape design
3. Regional, urban and community planning principles
4. Influences of internal and external views on land use and development (e.g., views, vistas, view sheds)
5. Functional relationships among program elements
6. Influences of transportation systems on land use and development
7. Roadway alignment design principles
8. Intersection and stopping site distance considerations (e.g., vision cones)
9. Elements of vehicular and pedestrian circulation systems and their design requirements
10. Code requirements and design principles for universal accessibility
11. How previous, existing, or potential uses surrounding a site affect land use and development
12. Micro and macro climatic conditions and systems (e.g., wind, solar access)
13. Principles of sustainability (i.e., at regional, local and site scales)
14. Characteristics of plant material (e.g., size, shape, texture, color)
15. Plant materials including hardiness, moisture requirements, soil requirements, etc.
16. Landscape maintenance techniques, materials, equipment and practices
17. Noise attenuation and mitigation techniques

#### **(E) CONSTRUCTION METHODS AND PROCESSES**

1. Construction methods and techniques
2. Construction equipment and technologies
3. Quality control procedures for construction, such as delivery, storage, testing, etc.
4. Sequencing of design, approval, permitting and construction activities
5. Methods of installation of construction materials
6. Principles of grading and drainage
7. Land and water reclamation procedures (e.g., quarry, mines, landfill)
8. Wetland creation and mitigation
9. Materials and techniques for erosion and sedimentation control
10. Utility systems and their design requirements
11. Irrigation types and systems



12. Elements of lighting systems, including light sources and their design requirements
13. Factors influencing selection of plant materials (e.g., availability, cost, maintenance, location, survivability, dependability)

#### **(F) DOCUMENTATION AND ADMINISTRATION**

1. Presentation techniques (e.g., computer visualization/simulations, renderings, perspectives)
2. Common graphic symbols
3. Coordinate systems and layout techniques and conventions
4. Components of specifications for a project
5. Specification types (e.g., material, workmanship, performance, proprietary)
6. General and supplemental conditions, special provisions, and technical specifications and their organizations
7. Computer technology for design and administration

#### **(G) DETAILS**

1. Typical construction details (e.g., material, fasteners, finishes, assemblies)
2. Site construction materials, including availability, costs, basic characteristics and applications
3. Site amenities (e.g., benches, kiosks, waste receptacles)
4. Pools, fountains, and their design requirements
5. Playground equipment and their design requirements
6. Decks, walls, and overhead structures
7. Structural considerations below grade (e.g., soil bearing, footing foundation systems)
8. Structural considerations above grade (e.g., walls, handrails, spans, decking)
9. Pavement design and materials
10. Structural considerations for small structures

Adopted 1-22-2004

## **CONTINUING EDUCATION POLICY FOR REGISTERED INTERIOR DESIGNERS RELATING TO HEALTH, SAFETY AND WELFARE**

### Health/Safety:

Programs or courses must demonstrate that 75% of the content specifically addresses knowledge or practice of topics that protect the public or the environment:

- Building and Life Safety Codes, regulations and standards of practice
- Building regulations
- Products or designs implemented to protect the public or the environment
- Product performance standards and topics including, but not limited to, energy efficiency, acoustics, indoor air quality, lighting, or fire and life-safety systems

### Welfare:

Programs or courses must demonstrate that 75% of the course content covers knowledge and practice of design that enhances the physical well-being of individuals and the environment:

- Social
- Psychological
- Financial
- Business practices
- Ethics
- Space design
- Budgets and estimating
- Construction administration
- Environmental and sustainability issues
- Finish materials and methods of construction detailing
- Special needs populations

### General Interior Design Professional Knowledge (no HS or W):

The designation covers general knowledge regarding interior design where less than 75% of the course content covers knowledge and practice of applicable legal codes, building regulations and product performance standards that are implemented to protect the public and the environment or that enhance the social, psychological, financial and physical well-being of individuals and the environment.

Topics that do not qualify as HSW include computer software training and general business practices, firm marketing, personnel, and management issues.

Adopted 1-10-08

## 2017 NCEES Northeast/Southern Zone Joint Interim Meeting Report St. Thomas, Virgin Islands

*Attendee: Robert Campbell, Jr.*

- Committee Reports:
  - Technology Task Force
    - Studying issue of electronic/digital signature technology with regard to seals and signatures on design plans and related documents. It was noted that there is confusion between digital and electronic signatures.
    - Also studying the process of building information modeling (BIM) and the ability of multiple professionals to work on design plans simultaneously.
    - Will hold a workshop at the annual meeting featuring an overview of BIM and discussion of guidelines developed by the task force.
  - Uniform Procedures and Legislative Guidelines (UPLG) Committee
    - Presenting a motion to amend the Model Law to state that a graduate degree that is used to satisfy education requirements cannot be applied for experience credit toward licensure, and to state that experience credit for a graduate degree cannot be earned concurrently with work experience credit (these changes were presented last year).
  - Member Board Administrators (MBA) Committee
    - Presenting a motion to hold a combined zone meeting in 2020.
    - Recommending replacing the biennial MBA meeting with webinars.
    - Developed a white paper on licensure mobility.
  - Finance Committee
    - NCEES is doing well financially. Revenue is up \$2.2 million. Exam volume is doing well; on average, 120 computer-based exams are administered each day. Expenses are slightly over budget. Investments have a 4.5% return.
    - For FY 2017-18, anticipating a \$1,754,000 reduction in revenue due to reduction in FE/FS exam fees effective in January 2018. Expecting a net loss of \$1,094,083 for next fiscal year. Expecting \$720,100 in revenue from exam rescheduling fees, cancellations, expired exams, and international scheduling fees; and \$413,000 in revenue from exam no shows. Expenses have steadily increased over the past six fiscal years.
    - \$34,500,000 in reserves to date.
  - Examination Policy and Procedures (EPP) Committee
    - Presenting a motion to progressively address an exam with fewer than 50 first-time examinees as follows: continue to prepare the exam; request a remedial action plan; place the exam on probation; discontinue the exam.
    - Presenting a motion to amend Examination Administration Policy (EAP) 10 to add language that computer-based exam requests from a foreign entity with no ABET-accredited programs require full Council approval.
  - Examinations for Professional Engineers (EPE) Committee
    - The committee recommended, and the Board of Directors approved, a plan for NCEES to assume all financial responsibilities of exam development and the associated liability for the Group II exams (which are currently developed in association with professional societies).
    - Approved the following transition schedule for converting the PE exams to computer-based testing (CBT).

	Group I exams	Group II exams	Exams (publications) converting
2018 (year 1)	CHE	NUC	2 (2)
2019 (year 2)	ENV	SWE, PET	3 (3)
2020 (year 3)	MEC (3)	FPE, IND	3 (5)
2021 (year 4)	ELEC (3)	AGR, MIN	3 (5)
2022 (year 5)	—	ARC, NAME, MET, CSE	4 (4)
2023 (year 6)	CIV (5)	—	1 (5)
2024 (year 7)	SE (2)	—	1 (2)
Total	6 (15)	11 (11)	17 (26)

- Education Committee
  - The NCEES CPC tracking system was launched in June 2016. Currently, 2,933 customers are tracking CPC with this system.
  - The committee audited the NCEES Credentials Evaluations service and found that the staff has a very rigorous process.
  - Proposed changes to the EAC/ABET criteria were presented.
  - Proposing an amendment to Position Statement 35 (Future Education Requirements for Engineering Licensure) to establish a new practice-based pathway to obtain additional education beyond the bachelor's degree:
    - A bachelor's degree in engineering from a program accredited by EAC/ABET; and 80 assessed learning days (ALDs) in areas germane to professional practice and that support and enhance the applicant's capability in his or her technical area of practice.*

Courses may be university courses, industrial in-house specialty courses, short courses, or certification courses. At least 40 ALDs must be in technical engineering coursework. Non-technical ALDs include professional practice topics such as business, communications, contract law, management, ethics, public policy, and quality control. For non-university-provided coursework, 8 contact hours = 1 ALD. For university-provided coursework, 3 semester credit hours = 6 ALDs.
- Bylaws Committee
  - Amending Bylaws to add International Affiliate Organization as a defined entity.
  - Defining the process for filling a vacancy in the treasurer position on the board of directors.
- Advisory Committee on Council Activities (ACCA)
  - Presenting a motion to charge a committee to amend the Bylaws to require that the offices of president and zone vice president be filled by licensed engineers or surveyors. The treasurer position could be filled by an engineer, surveyor, or public member.
  - Presenting a motion to establish a task force to consider if the Bylaws need to be changed to allow the president-elect to be decided through a qualifications-based selection system rather than a system of rotation through the zones.
  - Presenting a motion to require that any exam fee changes proposed by an entity other than the Finance Committee be referred to the Finance Committee for review and revision of the language before it is presented for Council vote at the next annual meeting.
- Tennessee PE Board Report (presented by Robert Campbell):
  - Grants have been increased to \$350,000. Added a competitive special project grant this year.
  - Continue to monitor decoupling.
  - Legislation passed that allows an official within the department to overturn Board decisions that constitute an unreasonable restraint of trade.
  - Discussing how QBS applies to different delivery methods (public-private partnerships and design-build).
  - Replacing two long-serving Board members (Hal Balthrop and Philip Lim).
- Officer Elections: Tim Lingerfelt of the TN Surveyors Board was elected as Assistant Zone VP. Chris Knotts from LA was elected Zone VP.
- Upcoming Meetings: Annual Meeting, Miami Beach, FL, August 23-26, 2017; Southern Zone Interim Meeting, Charlottesville, VA, April 19-21, 2018.

# DRAFT

Letter to EAC/ABET Regarding Proposed Changes in Criteria

May 31, 2017

Dear \_\_\_\_\_:

The Engineer Committee of the Tennessee Board of Architectural and Engineering Examiners has reviewed the “Comparison of Proposal Submitted in 2015 to Proposal Submitted in 2016” by the Engineering Accreditation Commission (EAC) of ABET regarding criteria applied to accredited engineering programs. We are concerned that the 2016 proposed changes indicate a reduction in academic rigor required to enter the engineering profession that will not best protect the public health, safety, and welfare.

The proposed changes would reduce the number of credit hours required to complete degree requirements. While the reduction proposed of two hours from basic science, and three hours from engineering science, is not cause for alarm, the trend to further reduce hours significantly is troubling. The “outcomes” driven curriculum assessment could allow engineering degree programs to drop below the 120 hour level, and could lead to a 96 hour requirement. If engineers of the future will only be required to obtain a three-year degree, the profession, as well as the health, safety, and welfare of the public, will be compromised.

As a professional regulatory board, we depend on ABET accreditation to help determine the qualifications of applicants for registration. We urge ABET to consider the effect on public health, safety, and welfare in considering changes to the EAC/ABET criteria.

Thank you for your consideration.

Very Truly Yours,

Engineer Committee  
Tennessee Board of Architectural and Engineering Examiners

## ENGINEERING ACCREDITATION COMMISSION

### Comparison of Proposal Submitted in 2015 to Proposal Submitted in 2016

Submitted in 2015	Proposed for First Reading in 2016
<b>INTRODUCTION</b>	<b>INTRODUCTION</b>
<p>These criteria are intended to provide a framework of education that prepares graduates to enter the professional practice of engineering who are</p> <ul style="list-style-type: none"> <li>(i) able to participate in diverse multicultural workplaces;</li> <li>(ii) knowledgeable in topics relevant to their discipline, such as usability, constructability, manufacturability and sustainability; and</li> <li>(iii) cognizant of the global dimensions, risks, uncertainties, and other implications of their engineering solutions.</li> </ul> <p>Further, these criteria are intended to assure quality to foster the systematic pursuit of improvement in the quality of engineering education that satisfies the needs of constituencies in a dynamic and competitive environment. It is the responsibility of the institution seeking accreditation of an engineering program to demonstrate clearly that the program meets the following criteria.</p>	<p>These criteria apply to all accredited engineering programs. Furthermore, these criteria are intended to foster the systematic pursuit of improvement in the quality of engineering education that satisfies the needs of its constituencies in a dynamic and competitive environment. It is the responsibility of the institution seeking accreditation of an engineering program to demonstrate clearly that the program meets the following criteria.</p>
<p>The Engineering Accreditation Commission of ABET recognizes that its constituents may consider certain terms to have certain meanings; however, it is necessary for the Engineering Accreditation Commission to have consistent terminology. Thus, the Engineering Accreditation Commission will use the following definitions:</p>	<p>The Engineering Accreditation Commission of ABET recognizes that its constituents may consider certain terms to have certain meanings; however, it is necessary for the Engineering Accreditation Commission to have consistent terminology. Thus, the Engineering Accreditation Commission will use the following definitions in applying the criteria:</p>

Submitted in 2015	Proposed for First Reading in 2016
<p><b>Basic Science</b> – Basic sciences consist of chemistry and physics, and other biological, chemical, and physical sciences, including astronomy, biology, climatology, ecology, geology, meteorology, and oceanography.</p>	<p><b>Basic Science</b> – Basic sciences are disciplines focused on knowledge or understanding of the fundamental aspects of natural phenomena. Basic sciences consist of chemistry and physics and other natural sciences including life, earth, and space sciences.</p>
<p><b>College-level Mathematics</b> – College-level mathematics consists of mathematics above pre-calculus level.</p>	<p><b>College-Level Mathematics</b> – College-level mathematics consists of mathematics that requires a degree of mathematical sophistication at least equivalent to that of introductory calculus. For illustrative purposes, some examples of college-level mathematics include calculus, differential equations, probability, statistics, linear algebra, and discrete mathematics.</p>
<p><b>Engineering Science</b> – Engineering sciences are based on mathematics and basic sciences but carry knowledge further toward creative application needed to solve engineering problems.</p>	<p><b>Engineering Science</b> – Engineering sciences are based on mathematics and basic sciences but carry knowledge further toward creative application needed to solve engineering problems. These studies provide a bridge between mathematics and basic sciences on the one hand and engineering practice on the other.</p>
<p><b>Engineering Design</b> – Engineering design is the process of devising a system, component, or process to meet desired needs, specifications, codes, and standards within constraints such as health and safety, cost, ethics, policy, sustainability, constructability, and manufacturability. It is an iterative, creative, decision-making process in which the basic sciences, mathematics, and the engineering sciences are applied to convert resources optimally into solutions.</p>	<p><b>Engineering Design</b> – Engineering design is the process of devising a system, component, or process to meet desired needs and specifications within constraints. It is an iterative, creative, decision-making process in which the basic sciences, mathematics, and engineering sciences are applied to convert resources into solutions. The process involves identifying opportunities, performing analysis and synthesis, generating multiple solutions, evaluating those solutions against requirements, considering risks, and making trade-offs to identify a high quality solution under the given circumstances. For illustrative purposes only, examples of possible constraints include accessibility, aesthetics, constructability, cost, ergonomics, functionality, interoperability, legal considerations, maintainability, manufacturability, policy, regulations, schedule, sustainability, or usability.</p>
<p><b>Teams</b> – A team consists of more than one person working toward a common goal and may include individuals of diverse backgrounds, skills, and perspectives.</p>	<p><b>Team</b> – A team consists of more than one person working toward a common goal and should include individuals of diverse backgrounds, skills, or perspectives consistent</p>

	with ABET's policies and positions on diversity and inclusion.
<b>One Academic Year</b> – One academic year is the lesser of 32 semester credits (or equivalent) or one-fourth of the total credits required for graduation with a baccalaureate degree.	<i>[The definition of Academic Year was deleted]</i>

<b>Submitted in 2015</b>	<b>Proposed for First Reading in 2016</b>
<b>CRITERION 3. STUDENT OUTCOMES</b>	<b>GENERAL CRITERION 3: STUDENT OUTCOMES</b>
The program must have documented student outcomes. Attainment of these outcomes prepares graduates to enter the professional practice of engineering. Student outcomes are outcomes (1) through (7) plus any additional outcomes that may be articulated by the program.	The program must have documented student outcomes that support the program educational objectives. Attainment of these outcomes prepares graduates to enter the professional practice of engineering. Student outcomes are outcomes (1) through (7), plus any additional outcomes that may be articulated by the program.
1. An ability to identify, formulate, and solve engineering problems by applying principles of engineering, science, and mathematics.	(1) An ability to identify, formulate, and solve complex engineering problems by applying principles of engineering, science, and mathematics.
2. An ability to apply both analysis and synthesis in the engineering design process, resulting in designs that meet desired needs.	(2) An ability to apply the engineering design process to produce solutions that meet specified needs with consideration for public health and safety, and global, cultural, social, environmental, economic, and other factors as appropriate to the discipline.
3. An ability to develop and conduct appropriate experimentation, analyze and interpret data, and use engineering judgment to draw conclusions.	(3) An ability to develop and conduct appropriate experimentation, analyze and interpret data, and use engineering judgment to draw conclusions.
4. An ability to communicate effectively with a range of audiences.	(4) An ability to communicate effectively with a range of audiences.
5. An ability to recognize ethical and professional responsibilities in engineering situations and make informed judgments, which must consider the impact of engineering solutions in global, economic, environmental, and societal contexts.	(5) An ability to recognize ethical and professional responsibilities in engineering situations and make informed judgments, which must consider the impact of engineering solutions in global, economic, environmental, and societal contexts.
6. An ability to recognize the ongoing need for additional knowledge and locate, evaluate, integrate, and apply this knowledge appropriately.	(6) An ability to recognize the ongoing need to acquire new knowledge, to choose appropriate learning strategies, and to apply this knowledge.
7. An ability to function effectively on teams that establish goals, plan tasks, meet deadlines, and analyze risk and uncertainty.	(7) An ability to function effectively as a member or leader of a team that establishes goals, plans tasks, meets deadlines, and creates a collaborative and inclusive environment.



<b>Submitted in 2015</b>	<b>Proposed for First Reading in 2016</b>
<b>CRITERION 5. CURRICULUM</b>	<b>GENERAL CRITERION 5: CURRICULUM</b>
The curriculum requirements specify subject areas appropriate to engineering but do not prescribe specific courses. The curriculum must support attainment of the student outcomes and must include:	The curriculum requirements specify subject areas appropriate to engineering but do not prescribe specific courses. The program curriculum must provide adequate content for each area, consistent with the student outcomes and program educational objectives, to ensure that students are prepared to enter the practice of engineering. The curriculum must include:
(a) one academic year of a combination of college-level mathematics and basic sciences (some with experimental experience) appropriate to the program.	(a) a minimum of 30 semester credit hours (or equivalent) of a combination of college-level mathematics and basic sciences with experimental experience appropriate to the program.
(b) one and one-half academic years of engineering topics, consisting of engineering sciences and engineering design appropriate to the program and utilizing modern engineering tools.	(b) a minimum of 45 semester credit hours (or equivalent) of engineering topics appropriate to the program, consisting of engineering sciences and engineering design, and utilizing modern engineering tools.
(c) a broad education component that includes humanities and social sciences, complements the technical content of the curriculum, and is consistent with the program educational objectives.	(c) a broad education component that complements the technical content of the curriculum and is consistent with the program educational objectives.
Students must be prepared to enter the professional practice of engineering through a curriculum culminating in a major design experience based on the knowledge and skills acquired in earlier course work and incorporating appropriate engineering standards and multiple constraints.	(d) a culminating major engineering design experience based on the knowledge and skills acquired in earlier course work that incorporates appropriate engineering standards and multiple constraints.

**Criteria for Fulfillment of the ABET Humanities/Social Sciences  
(General Education) Requirement  
(in lieu of completing additional college coursework)**

Progressive engineering experience in the U.S., if applicant has practiced over five (5) years in the U.S. = **0.5 semester hour per year, starting after the fifth year**

Involvement in one (1) civic or professional organization in the U.S. = **0.5 semester hour per year**

Passing tests for U.S. citizenship = **3 semester hours**

Continuing education in ethics/humanities/social sciences with verifiable documentation (earned within 2 years of application date) = **1 semester hour per 15 PDH's (limit 15 PDH's per year)**

Advanced degree from a U.S. institution = **9 semester hours**

Publishing a technical paper in a technical journal, newsletter or similar publication in the U.S. = 1 semester hour per paper (limit 2 papers)

Presentation of a technical topic at a society, convention or similar event in the U.S. = 1 semester hour per presentation (limit 2 presentations)

Teaching college level courses at either a two-year or four-year U.S. institution = 2 credit hours per hour of credit for each distinct class

CLEP credits will be accepted to fulfill up to 12 semester hours of humanities/social sciences deficiencies only if they are offered by a regionally accredited college or university and appear on the official college or university transcript.

Deficiencies of less than three (3) semester hours may be waived by the Board.

*Adopted 12/10/08*

*Revised and adopted 4/22/09*

*Revised and adopted 12/9/09*

*Revised and adopted 10/14/15*

*Revised and adopted 4/5/17*



MINUTES OF A MEETING OF THE  
TENNESSEE BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, April 6, 2017

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**CALL TO ORDER**

Susan Ballard, Chair, called the regular meeting of the Tennessee Board of Architectural and Engineering Examiners to order at 9:04 a.m. on April 6, 2017, at the Davy Crockett Tower, in Nashville, Tennessee. A quorum was declared present.

The following **Board members** were present:

Susan Ballard	Registered Interior Designer
Robert Campbell, Jr.	Professional Engineer
Philip Lim	Professional Engineer
Blair Parker	Registered Landscape Architect
Rick Thompson	Registered Architect
Brian Tibbs	Registered Architect
Frank Wagster	Registered Architect
Kathryn Ware	Professional Engineer

The following **Board member** was absent:

Susan Maynor	Public Member
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The following **Associate Engineer members** were present:

Ricky Bursi	Professional Engineer
Stephen King	Professional Engineer

The following **Associate Engineer member** was absent:

Laura Reinbold	Professional Engineer
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The following **Board staff** was present:

John Cothron	Executive Director
Wanda Garner	Administrative Assistant
Anthony Glandorf	Chief Counsel, Regulatory Boards Division
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sarah Page	Assistant General Counsel
Wanda Phillips	Office Manager
Matthew Reddish	Assistant General Counsel

The following **guests** were present for part or all of the meeting:

Kasey Anderson, Tennessee Society of Professional Engineers/American Council of Engineering Companies of Tennessee (TSPE/ACEC-TN)  
Don Baltimore, Tennessee Interior Design Education and Advocacy (TN IDEA)  
Ashley Cates, American Institute of Architects-Tennessee (AIA-TN)

Sundra Dunlap, Board Staff  
Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE)  
Tennessee Section  
Nathan Ridley, American Society of Landscape Architects TN (ASLA-TN)

Mr. Cothron announced that Carter Lawrence has been appointed as the new Assistant Commissioner of the Regulatory Boards Division. He replaces Brian T. McCormack, who is now a Deputy Commissioner within the Department of Commerce and Insurance.

Mr. Cothron announced that newly appointed State Architect Ann McGauran plans to attend the June Board meeting.

No changes or additions were made to the agenda.

**CONSENT AGENDA** (attached)

Motion was made by Mr. Campbell and seconded to approve the minutes of the February 15-16, 2017 meeting. The motion passed unanimously.

Motion was made by Mr. Lim and seconded to approve the Complaints for Board Decision. The motion passed unanimously.

**PROFESSIONAL SOCIETY REPORTS**

Kasey Anderson, Ashley Cates, Don Baltimore and Nathan Ridley reported the activities of the TSPE/ACEC-TN, AIA-TN, TN IDEA and ASLA-TN, respectively, and on the status of several bills that are of interest to the Board.

**LEGAL CASE REPORT** (presented by Sarah Page) (attached)

1. *Case No. #2017015471* *Complaint #201701547*  
Motion was made by Mr. Campbell and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a five hundred dollar (\$500.00) civil penalty and a requirement to take and pass the Board's law and rules exam. The motion passed unanimously.

In discussing this case, the Board expressed its preference to apply "per page" or "per project" civil penalty assessments to cases of incompetence or misuse of the seal—not to complaints regarding practice on an expired license. In cases of practice on an expired license, all pages/projects may be considered as one (1) violation. It was noted that the "normal" civil penalty for practice on an expired license in the civil penalty guidelines is \$750.00.

2. *Case No. #2016068881* *Complaint #201606888*  
Motion was made by Mr. Parker and seconded to close the case. The motion passed unanimously.
3. *Case No. #2016069331* *Complaint #201606933*  
Motion was made by Mr. Wagster and seconded to close the case. The motion passed unanimously.

**REPRESENTATIONS** (presented by Matthew Reddish)

1. *Case No. #2017008721* *Complaint #201700872*  
Motion was made by Mr. Wagster and seconded to authorize a formal hearing with the authority to settle with a Consent Order for a five hundred dollar (\$500.00) civil penalty. The motion passed unanimously.

2. *Case No. #2016049151*

*Complaint #201604915*

Motion was made by Mr. Wagster and seconded, in light of the Respondent's severe health issues, to allow the Respondent to enter retired status without the option to ever remove it from that status or to renew. The motion passed unanimously.

Break 10:45 a.m. – 11:04 a.m

### **DIRECTOR'S REPORT**

Mr. Cothron reported his activities and those of his staff and Board members.

- *Licensing Data* was presented for informational purposes only. (attached) Mr. Cothron noted that the number of registrants has increased for all professions.
- *Complaint Data* was presented for informational purposes only. (attached)

### **LEGISLATIVE UPDATE**

Mr. Cothron provided an update on pending legislation of interest to the Board, including the following:

- HB0300/SB1188—Amends T.C.A. § 62-2-401(a)(1) to replace language stating that applicants for engineer registration must be certified as an engineer intern with language stating that applicants must have passed the Fundamentals of Engineering exam.
- HB0597/SB0329—As introduced, would allow persons holding a master's degree in engineering to qualify for engineer registration with four years of engineering experience and engineer intern certification. An amendment has been filed to increase the experience requirement to 20 years and to add a sunset provision.
- HB0326/SB1217—As introduced, would allow a supervising official to override rules and decisions of a board or commission that may constitute unreasonable restraints of trade. This bill has been amended.
- HB0566/SB0449—As introduced, requires state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules. This bill has been amended.
- All professional privilege tax bills have been moved behind the budget due to their fiscal impact.

### **COMMITTEE REPORTS**

The minutes of each Committee meeting follow these minutes.

- *Engineer Committee Report*  
The Engineer Committee, through Mr. Campbell, reported on topics discussed.
- *Continuing Education Committee Report*  
The Continuing Education Committee, through Mr. Wagster, reported on topics discussed. Mr. Wagster, on behalf of the committee, requested that the Engineer and Landscape Architect Committees discuss a proposal to require that all continuing education hours for architects, engineers, and landscape architects address health, safety and welfare subjects, with a sunset provision for the current requirements. He also requested that the committees discuss the development of "health, safety and

welfare” definitions for all professions.

The Committee, through Mr. Wagster, moved to request that legal counsel draft new rule language allowing registrants to request a continuing education waiver for a specific period of time in cases of hardship. The motion passed unanimously.

The Committee, through Mr. Wagster, moved to request that legal counsel draft rule language to phase out carryover hours for architects, engineers, and landscape architects. The motion passed unanimously.

The Committee, through Mr. Wagster, moved to request that legal counsel draft rule language allowing engineers and landscape architects to report hours on a calendar year basis. The motion passed unanimously.

- *Grants Committee Report*

The Grants Committee, through Ms. Ballard, reported on topics discussed.

The Committee, through Ms. Ballard, moved to:

- Not provide special project grants for fiscal year 2018, and to instead use the full appropriation to provide grants for equipment, library resources, and intern development program/examination fees;
- Maintain the grants appropriation amount at \$350,000 rather than request an increase;
- Change “shall” to “may” in the last sentence of the first paragraph of the grant guidelines so that, as amended, the sentence will read, “In addition to the grant funds set aside for the purposes described above, the Board may designate a portion of the funds to be used for special projects, as further described below”;
- Strike the following sentence from the grant guidelines: “For fiscal year 2017, the grant shall be available for two recipients in the amount of \$20,000.00 each”;
- Remove Watkins College of Art, Design & Film from the list of institutions with eligible programs in the grant guidelines; and
- Set August 31, 2017, as the deadline to submit grant proposals for the committee’s consideration for fiscal year 2018.

The motion passed unanimously.

- *Law and Rules/Policies Committee Report*

The Law and Rules/Policies Committee, through Mr. Campbell, reported on topics discussed.

The Committee, through Mr. Campbell, moved to approve the proposed rules package as drafted by legal counsel. The motion passed unanimously by roll call vote, as follows:

Susan Ballard	Aye
Robert Campbell, Jr.	Aye
Philip Lim	Aye
Blair Parker	Aye
Rick Thompson	Aye
Brian Tibbs	Aye
Frank Wagster	Aye
Kathryn Ware	Aye

- *Nominations Committee Report*  
The Committee, through Mr. Lim, moved to nominate the following slate of officers for fiscal year 2018:  
    Frank Wagster, R.A., Chair  
    Robert Campbell, Jr., P.E., Vice Chair  
    Blair Parker, R.L.A., Secretary  
The motion passed unanimously.

### **UNFINISHED BUSINESS**

- *Action Items* (attached)  
The action items taken from the February meeting were reviewed and the required action had either been taken or is in process.
- *Qualifications-Based Selection FAQs* (attached)  
Motion was made by Mr. Thompson and seconded to approve the proposed Qualifications-Based Selection Frequently Asked Questions (QBS FAQs). Mr. Bursi, Ms. Ware, and Mr. Parker expressed concerns that the proposed responses to questions 8, 9, and 10 lack clarity since the draft language removes the affirmative or negative statements. They suggested the wording, "Generally, yes," or "Generally, no," as appropriate. Following discussion, Mr. Thompson withdrew the motion.

Motion was made by Mr. Campbell and seconded to approve all revisions except for the responses to questions 8, 9, and 10, and to request that legal counsel further revise the responses to those questions for consideration at the June meeting. Mr. Wagster asked legal counsel to confirm if QBS applies to public school systems, as addressed in FAQ #4. Following discussion, Mr. Campbell withdrew the motion.

Ms. Ballard asked legal counsel to review the proposed revisions to the QBS FAQs in light of the Board's concerns, especially FAQ #4 regarding the QBS law's application to public school systems. Proposed revisions will be considered at the June meeting.

### **NEW BUSINESS**

- *Transcripts for Transfer Credit*  
By consensus, the Board agreed that applicants need not submit college/university transcripts for credit transferred to another institution. Unless an education evaluation is required, only the transcript documenting the qualifying degree should be required.
- *2018 Legislative Proposals*  
Motion was made by Mr. Tibbs and seconded to request submission of a legislative proposal to eliminate the experience duration requirement in the law (T.C.A. § 62-2-501) for architect exam applicants, and to require simply completion of the Intern Development Program (IDP)/Architectural Experience Program (AXP) for these applicants. The motion passed unanimously.
- *Report on National Council of Architectural Registration Boards (NCARB) Regional Summit* (attached)  
Mr. Cothron submitted a written report on the NCARB Regional Summit.
- *Authorization of Travel and Speakers*  
No authorization was required.

The meeting adjourned at 12:45 p.m.

ATTACHMENTS

Minutes of February 2017 meeting

Complaints for Board Decision

Legal Case Report

Financial Data

Complaint Data

HB0597/SB0329

HB0326/SB1217

HB0566/SB0449

Action Items

Proposed QBS FAQs

NCARB Regional Summit Report





MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
ENGINEER COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Wednesday, April 5, 2017

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**CALL TO ORDER**

In the absence of Committee Chair Laura Reinbold, P.E., Robert Campbell, Jr., P.E., called the Engineer Committee meeting to order at 12:26 p.m. on April 5, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Engineer Board members** were present:

Ricky Bursi, P.E.	West TN Associate Member
Robert Campbell, P.E.	East TN Member
Stephen King, P.E.	East TN Associate Member
Kathryn Ware, P.E.	Middle TN Member

A quorum was present.

Philip Lim, P.E., arrived at 12:52 p.m.

The following **Board staff** was present for part or all of the meeting:

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Wanda Phillips	Administrative Manager

**Visitor present:** Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section

**NEW BUSINESS**

**APPLICATIONS AND AUDITS FOR DISCUSSION**

- **Jairo A. Arana** (Comity) – Following discussion of the applicant’s felony conviction, a motion was made by Mr. Campbell and seconded to approve the application. The motion passed unanimously.
- **Helge Carl Nestler** (Exam) – Following discussion of the applicant’s educational deficiency, a motion was made by Ms. Ware and seconded to approve the applicant to sit for the PE exam. The motion passed unanimously.
- **Elizabeth Sunitha Xavier** (Comity) – Following discussion of the applicant’s educational deficiency, a motion was made by Mr. Bursi and seconded to approve the application. The motion passed unanimously.
- **Alexandru Zotescu** (Comity) – Following discussion of the applicant’s educational deficiency, a motion was made by Mr. King and seconded to approve the application. The motion passed unanimously.

Mr. Lim arrived at 12:52 p.m.

#### **PROPOSED CHANGES TO EAC/ABET CRITERIA**

Committee members reviewed proposed changes to the Engineering Accreditation Commission (EAC)/ABET criteria and Dr. John W. Smith’s comments on the proposed revisions. The committee expressed concern regarding the proposed changes, which could indicate a reduction in academic rigor, and Mr. Bursi agreed to write a letter outlining the committee’s concerns for consideration at the next committee meeting. Mr. Cothron was asked to send the proposed changes to engineering deans in the state for comment.

#### **APPLICATIONS AND AUDITS FOR DISCUSSION, CONT.**

- **Peyman Dadkhah** (Comity) – Following discussion of the applicant’s educational deficiency, a motion was made by Ms. Ware and seconded to waive the deficiency and approve the application. The motion passed unanimously.

#### **UNFINISHED BUSINESS**

#### **ELECTRONIC SEALS AND SIGNATURES REQUIREMENTS**

Mr. Campbell reported that there are no new developments on this issue. The Tennessee Department of Transportation is still evaluating a process utilized in Florida that allows registrants to seal a cover page instead of sealing each sheet separately. Mr. Bursi expressed concern about allowing this process for buildings.

**REVIEW OF CRITERIA FOR FULFILLMENT OF HUMANITIES/SOCIAL SCIENCES (GENERAL EDUCATION) DEFICIENCIES**

Mr. Campbell and Mr. King presented proposed revisions to the Engineer Committee policy entitled “Criteria for Fulfillment of the ABET Humanities/Social Sciences (General Education) Requirement.” Following discussion, a motion was made by Ms. Ware and seconded to increase the number of semester hours granted for passing tests for U.S. citizenship to 3 semester hours. The motion passed unanimously. Mr. Cothron was asked to draft other proposed revisions for consideration at the next committee meeting.

**ENERGY SERVICE COMPANIES AND ENGINEERING REGISTRATION LAWS**

Mr. Cothron reported that he has received no response from the Association of Energy Engineers (AEE) regarding their certifications. He noted that this matter would be best addressed through the complaint process.

**LEGISLATIVE UPDATE**

Mr. Cothron reported on the status of HB0597/SB0329, which would allow persons holding a master’s degree in engineering to qualify for engineer registration.

**Adjourn.** There being no further business, Mr. Campbell adjourned the meeting at 2:30 p.m.



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
CONTINUING EDUCATION COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Wednesday, April 5, 2017

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**CALL TO ORDER**

Frank Wagster, Committee Chair, called the Continuing Education Committee meeting to order at 3:04 p.m. on April 5, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Ricky Bursi, P.E., Associate Member  
Blair Parker, R.L.A.  
Frank Wagster, R.A.  
Kathryn Ware, P.E.

A quorum was present.

Susan Ballard, R.I.D., arrived at 3:13 p.m.

The following **Board staff** was present for part or all of the meeting:

John Cothron	Executive Director
Anthony Glandorf	Chief Counsel, Regulatory Boards Division
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel

**Visitor present:** Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section

**NEW BUSINESS**

**POTENTIAL CONTINUING EDUCATION RULE CHANGES**

Mr. Wagster presented the following proposals for discussion:

- **Adding a provision to the rules allowing the Board to grant continuing education waivers in cases of hardship, such as maternity, paternity, or family leave.**

A motion was made by Ms. Ballard and seconded to recommend that the Board request that legal counsel draft new rule language allowing registrants to request a continuing education waiver for a specific period of time in cases of hardship. The motion passed unanimously.

- **Eliminating carryover hours.**

Ms. Ballard requested that the carryover provision be retained for registered interior designers. A motion was made by Mr. Bursi and seconded to recommend that the Board request that legal counsel draft rule language to phase out carryover hours for architects, engineers, and landscape architects. The motion passed unanimously.

- **Requiring all continuing education hours to address health, safety and welfare (HSW) subjects and including HSW definitions in the rules for all professions.**

A motion was made by Ms. Ballard and seconded to recommend that the Board request that legal counsel draft rule language to require that all continuing education hours for architects, engineers, and landscape architects address health, safety and welfare subjects, with a sunset provision for the current requirements. Following discussion, Ms. Ballard withdrew the motion.

Mr. Wagster requested that the Engineer and Landscape Architect Committees discuss this proposal at the next meeting, to be followed by a Continuing Education Committee meeting in August.

- **Reporting hours on a calendar year basis.**

A motion was made by Mr. Bursi and seconded to recommend that the Board request that legal counsel draft rule language allowing engineers and landscape architects to report hours on a calendar year basis. The motion passed unanimously.

Ms. Ballard urged the adoption of definitions for all professions in light of the U.S. Supreme Court's decision in the *North Carolina State Board of Dental Examiners v. Federal Trade*

*Commission* case. Ms. Goldstein and Mr. Glandorf then discussed HB0326/SB1217, which establishes a procedure by which a supervising official within a state department will review certain actions of regulatory boards to ensure such actions do not constitute unreasonable restraints of trade.

At the request of a registrant, Mr. Cothron asked if registrants could receive continuing education credit for serving as a mentor/project leader on engineering mission trips coordinated by colleges and universities. The committee concluded that this activity would qualify for up to four (4) PDHs per biennium under the "educational outreach activities" category, as described in Rules 0120-05-.06(2)(j) and 0120-05-.07(1)(f).

**Adjourn.** There being no further business, the Chair adjourned the meeting at 4:34 p.m.



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
GRANTS TO HIGHER EDUCATION COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Wednesday, April 5, 2017

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**CALL TO ORDER**

Susan Ballard, Committee Chair, called the Grants to Higher Education Committee meeting to order at 4:42 p.m. on April 5, 2017, in Room 1-B of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present for part or all of the meeting:

Susan Ballard, R.I.D.  
Philip Lim, P.E.  
Blair Parker, R.L.A.  
Frank Wagster, R.A.

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel

**Visitor present:** Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section

**NEW BUSINESS**

**REVIEW OF GRANT GUIDELINES**

Following discussion of the special project grants, a motion was made by Mr. Lim and seconded to recommend that the Board not provide special project grants for fiscal year 2018, and to

instead use the full appropriation to provide grants for equipment, library resources, and intern development program/examination fees. The motion passed unanimously.

Mr. Lim stated that he would prefer not to request an increase in the grants appropriation until the full \$350,000 is utilized. A motion was made by Mr. Parker and seconded to recommend that the Board maintain the grants appropriation amount at \$350,000, rather than request an increase. The motion passed unanimously.

The committee requested that special project grants and a proposal to increase the grants appropriation be added to the October meeting agenda for discussion.

Following review of the grant guidelines, a motion was made by Mr. Lim and seconded to recommend that the Board change “shall” to “may” in the last sentence of the first paragraph of the grant guidelines so that, as amended, the sentence will read, “In addition to the grant funds set aside for the purposes described above, the Board may designate a portion of the funds to be used for special projects, as further described below.” The motion passed unanimously.

A motion was made by Mr. Parker and seconded to recommend that the Board strike the following sentence from the grant guidelines: “For fiscal year 2017, the grant shall be available for two recipients in the amount of \$20,000.00 each.” The motion passed unanimously.

A motion was made by Ms. Ballard and seconded to recommend that the Board remove Watkins College of Art, Design & Film from the list of institutions with eligible programs in the grant guidelines. The motion passed unanimously.

A motion was made by Mr. Lim and seconded to set August 31, 2017, as the deadline to submit grant proposals for the committee’s consideration for fiscal year 2018. The motion passed unanimously. The committee asked Mr. Cothron to send out a “save the date” notice to the schools regarding this year’s deadline as soon as possible.

Mr. Cothron provided a brief update on this year’s special project grant that was awarded to the University of Tennessee at Chattanooga.

**Adjourn.** There being no further business, the Chair adjourned the meeting at 5:13 p.m.





MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
LAW AND RULES/POLICIES COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, April 6, 2017

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**CALL TO ORDER**

In the absence of Committee Chair Rick Thompson, R.A., Robert Campbell, Jr., P.E., called the Law and Rules/Policies Committee meeting to order at 8:29 a.m. on April 6, 2017, in Room 1-A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Susan Ballard, R.I.D.  
Robert Campbell, Jr., P.E.  
Blair Parker, R.L.A.  
Brian Tibbs, R.A.

A quorum was present.

Rick Thompson, R.A., arrived at 8:33 a.m.

The following **Board staff** was present:

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Matthew Reddish	Assistant General Counsel

**Visitor present:** Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section

**UNFINISHED BUSINESS**

**PROPOSED RULE CHANGES**

Committee members reviewed proposed rules as drafted by legal counsel. Proposed changes included:

- Amending Rule 0120-01-.03 to clarify what activity is considered an offer to practice architecture, engineering, or landscape architecture.
- Amending Rules 0120-01-.04 Applications and 0120-04-.03 Applications to state that comity applications, reapplications, registered interior designer applications, and engineer intern applications shall expire one (1) year from the date of application, with a provision to request an extension of time for good cause.
- Amending Rule 0120-01-.06 Applications – Engineer Interns to eliminate the \$15.00 engineer intern application fee.
- Amending Rules 0120-01-.09 References and 0120-04-.05 Experience Requirements to state that letters of recommendation and reference forms shall be confidential.
- Amending Rule 0120-01-.10 Education and Experience Requirements – Engineer to state that a graduate level degree that is used, in part or in whole, to satisfy the education requirements for registration cannot also be used to satisfy the experience requirements for registration.
- Amending Rule 0120-01-.11 Education and Experience Requirements – Architect to restore a paragraph regarding the equivalency of architectural degrees from programs accredited by the Canadian Architectural Certification Board (CACB), or from programs deemed substantially equivalent by the National Architectural Accrediting Board (NAAB), which was inadvertently deleted in a previous rulemaking.
- Amending Rules 0120-01-.15 Examinations – Architect and 0120-01-.16 Examinations – Landscape Architect to allow exam applicants to apply directly to NCARB or CLARB for admittance to professional examinations.

Ms. Goldstein then read the Regulatory Flexibility Addendum, Impact on Local Governments, Additional Information Required by the Joint Government Operations Committee, and additional questions asked by the Governor’s office into the record.

A motion was made by Mr. Tibbs and seconded to recommend that the Board approve the proposed rules package. The motion passed unanimously.

**Adjourn.** There being no further business, Mr. Campbell adjourned the meeting at 8:54 a.m.



MINUTES  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
NOMINATIONS COMMITTEE MEETING  
Davy Crockett Tower  
Nashville, Tennessee  
Thursday, April 6, 2017

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**CALL TO ORDER**

Philip Lim, Committee Chair, called the Nominations Committee meeting to order at 8:59 a.m. on April 6, 2017, in Room 1-A of the Davy Crockett Tower at 500 James Robertson Parkway, Nashville, Tennessee.

The following **Board members** were present:

Philip Lim, P.E., Committee Chair  
Susan Ballard, R.I.D.  
Blair Parker, R.L.A.  
Rick Thompson, R.A.  
Kathryn Ware, P.E.

A quorum was present.

The following **Board staff** was present:

John Cothron	Executive Director
Elizabeth Goldstein	Assistant General Counsel
Vanessa Huntsman	Paralegal
Sara Page	Assistant General Counsel
Matthew Reddish	Assistant General Counsel

**Visitor present:** Chris Gwaltney, P.E., representing the American Society of Civil Engineers (ASCE), Tennessee Section

**DISCUSS NOMINATIONS FOR BOARD OFFICERS**

Following discussion, a motion was made by Mr. Thompson and seconded to nominate the following slate of officers for fiscal year 2018:

Nominations Committee Minutes, April 6, 2017

Frank Wagster, R.A., Chair  
Robert Campbell, Jr., P.E., Vice Chair  
Blair Parker, R.L.A., Secretary

The motion passed.

**Adjourn.** There being no further business, the Chair adjourned the meeting at 9:02 a.m.

## A&E COMPLAINTS FOR BOARD DECISION

Complaint Number	Description	Letter of Caution Mailed
201702715	Respondent was disciplined in Oregon. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702717	Respondent was disciplined in Alabama. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702719	Respondent was disciplined in Texas. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702721	Respondent was disciplined in Delaware. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702723	Respondent was disciplined in South Carolina. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702727	Respondent was disciplined in Louisiana. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702729	Respondent was disciplined in Alabama. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/3/2017
201702940	Respondent was disciplined in Ohio. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/11/2017
201702942	Respondent was disciplined in North Carolina. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/12/2017
201702953	Respondent was disciplined in Ohio. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/12/2017
201703026	Respondent was disciplined in Colorado. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/16/2017
201703037	Respondent was disciplined in New Mexico. Discipline was less than a suspension, revocation, or voluntary surrender; issued Letter of Caution. Recommend closure.	5/16/2017



**STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
OFFICE OF LEGAL COUNSEL  
500 JAMES ROBERTSON PARKWAY  
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NASHVILLE, TENNESSEE 37243  
TELEPHONE (615) 741-3072 FACSIMILE (615) 741-4000**

**CONFIDENTIAL ATTORNEY WORK PRODUCT**

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**TO: TN Board of Architectural and Engineering Examiners**

**FROM: Legal Counsel**

**DATE: June 1, 2017**

**SUBJECT: June Legal Report**

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- 1) **2017014101 Architect**  
**First Licensed: 3/8/2017**  
**Expiration: 3/31/2019**  
**Type of License: Architect**  
**History (5 yrs.): N/A**
  
- 2017014281 Architecture Firm**  
**First Licensed: Unlicensed**  
**Expiration: Unlicensed**  
**Type of License: N/A**  
**History (5 yrs.): N/A**

Complaint was opened by staff due to concerns that Respondent 1 Architect and Respondent 2 Architecture Firm were engaging in unlicensed activity due to being named Architect of Record on a project despite Respondent 1's architect license application not yet being approved. A review of the Complaint and Response shows that Respondent 1 is a licensed California architect and works for Respondent 2 who is a design and development firm in California. Respondent 2 purchased a historical building in Memphis with plans to refurbish the building. Respondent 2 obtained the assistance of a local architect and code review specialist in Memphis to assist with the project.

T.C.A. § 62-2-103(2) creates an exemption for architects if they are not residents of Tennessee, have no established place of business in Tennessee, are in consultation with a registered architect in Tennessee, and are qualified to render such services in their own state. Respondents are residents of California with no established place of business in Tennessee. Respondents are consulting a properly registered architect with this project and Respondents are qualified to perform these services in California.

Mitigating Factors: (1) Meet exemption of T.C.A. § 62-2-103(2)  
(2) Now licensed

Aggravating Factors: None

Reviewer: NA

Recommendation: Close

**Board Decision:**

- 
- 2) **2017015631 Engineer**  
**First Licensed: Unlicensed**  
**Expiration: Unlicensed**  
**Type of License: N/A**  
**History (5 yrs.): N/A**

Complaint opened following Respondent asking Staff for update on their PE License because Respondent wanted to sign and seal an engineering project soon. Following Staff opening the Complaint, Respondent replied that the individual formerly in Respondent's position was promoted but still is in charge of signing and sealing plans until Respondent becomes properly licensed. Legal contacted employer of Respondent and obtained signed statements clarifying that Respondent, at no time, had final approval authority or responsible supervision for any plan until Respondent became fully licensed.

Mitigating Factors: (1) Meet exemption of T.C.A. § 62-2-103(1)  
(2) In process of obtaining license at time of Complaint  
(3) Has not sealed any plans

Aggravating Factors: None

Reviewer: NA

Recommendation: Close

**Board Decision:**

- 
- 3) **2017018981 Engineer**  
**First Licensed: 09/18/1981**  
**Expiration: 12/31/2017**  
**Type of License: Land Surveyor**  
**History (5 yrs.): N/A**

In this matter, the complainant is a municipal engineer and a PE in Tennessee and the respondent is a registered land surveyor in Tennessee. The complainant reviewed plans for a car dealership expansion which included a parking lot and underground detention. The submitted sheets were title sheet, C-1(existing site), C-2(site grading and drainage), C-3(site details), and C-4(storm water management details).

In the first submittal, the engineer only stamped the title sheet and the surveyor stamped C-1, C-2, C-3 and C-4. The surveyor later admitted those sheets were stamped by mistake in haste to submit plans for a permit. In the second submittal, the engineer and surveyor stamped the title sheet, C-1, C-2 and C-3, and the engineer stamped C-4. However, the storm water calculations were stamped by the engineer.

In the first submittal, the respondent surveyor stamped drawings outside of land surveying. Those items include, site grading design, erosion and sediment control design, underground storm water detention design and a variety of details including, pavement section, tree staking, curb, retaining wall, manhole, wash-down pit, seed mixtures, erosion and sediment control, and underground detention. The surveyor's response noted that "accepted practice by registered land surveyors includes the preparation of site plans, grading and drainage plans, road plan & profiles as well as survey plats and subdivisions." TCA 62-18-102(3), definition of the practice of land surveying, states:

(3) Practice of land surveying means any service of work, the adequate performance of which involves the application of special knowledge of the principles of mathematics, the related physical and applied sciences and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting of property boundaries and for the platting and layout of lands and subdivisions of land, including the topography, drainage, alignment and grades of streets, and for the preparation and perpetuation of maps, records, plats, field notes, records and property descriptions that represent these surveys;"

In the second submittal, the surveyor's stamp alone was on sheet C-3. This sheet, site details, included a pavement section and a retaining wall section. On the other sheets stamped by both, there is not description of the work done by whom, the engineer or surveyor.



Mitigating Factors: (1) Worked with an Engineer to some extent on the project in question

Aggravating Factors: None

Reviewer: Stephen King

Recommendation: Discussion

**Board Decision:**

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- 4) **2017016341 Engineer**  
**First Licensed: 03/13/2017**  
**Expiration: 03/31/2019**  
**Type of License: Professional Engineer**  
**History (5 yrs.): N/A**

This complaint was opened as a result of Respondent's staff reaching out to check on the status of Respondent's pending application for a license via reciprocity. In one of the emails, staff wrote, "Can you kindly let me know if [Respondent] can you [sic] use this number to seal the drawings?" Staff opened the complaint due to the above sentence implying Respondent had offered services prior to obtaining a license.

Respondent participated in an investigation by the Department to determine whether Respondent offered services. Respondent stated a developer contacted Respondent about a project in Tennessee, and provided evidence Respondent applied for licensure the next day. The project was ultimately held up while Respondent's application was processed. Respondent did not produce drawings, but did do some early reviews of codes while working with the project's design team. The investigation confirmed that drawings were not produced until after Respondent was licensed.

Mitigating Factors: (1) No consumer harm.  
(2) Now actively licensed.  
(3) Cooperated fully in the investigation.  
(4) Was approached by client and client informed of need to wait for license.

Aggravating Factors: None

Reviewer: None

Recommendation: Close.

**Board Decision:**

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- 5)           **2017020531 Engineer**  
              **First Licensed: 08/17/1995**  
              **Expiration: 08/31/2017**  
              **Type of License: Professional Engineer**  
              **History (5 yrs.): N/A**

Complainant is a building inspector. Complainant alleges Respondent failed to incorporate building codes into a report regarding the soil conditions of a footing/slab. Respondent responded and stated Respondent works in soil engineering and mechanics (geotechnical engineer). Respondent states the report serves a different purpose than what the building codes inspector is responsible for. Respondent claims the building inspector is overstepping the bounds of the inspector's role, and others have complained of the same.

This matter was reviewed by Stephen King. Mr. King concluded that the Respondent produced the report Respondent was hired to produce regarding the soil. Mr. King did not identify any violations.

Mitigating Factors:   None.

Aggravating Factors: None.

Reviewer:            Stephen King

Recommendation:   Close.

**Board Decision:**

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- 5)           **2017024021 Architect**  
              **First Licensed: 01/01/1993**  
              **Expiration: 08/31/2018**  
              **Type of License: Professional Architect**  
              **History (5 yrs.): May 2017 - Letter of Caution issued because Respondent**  
              **was disciplined by the Alabama Board for Registration of Architects.**

This complaint was opened as a result of Mississippi suspending Respondent's right to practice. Respondent's Mississippi license was suspended for two years, and Respondent was ordered to pay \$7,500 in penalties.

The Mississippi State Board of Architecture brought charges against Respondent for plan stamping three separate projects. The first project was an update/renovation of an automobile dealership. Respondent was contacted by an architect that was not licensed in Mississippi. The unlicensed architect asked Respondent to stamp plans for the architect. The Board concluded Respondent was aware that the unlicensed architect was unlicensed, and that the Board and sent that unlicensed architect a cease and desist letter. Respondent claimed Respondent acted as the architect of record, but the Board found that Respondent provided the unlicensed architect's phone number to building officials instead of Respondent's number. Respondent never met with the owner or the contractor, and in fact Respondent was unaware who the owner of the property was. Respondent did not maintain any records to show Respondent independently reviewed the plans.

The second project was for the adaptation of prototypical drawings of a donut shop to fit site conditions and codes. Respondent was contacted for the project by an unlicensed architect. Respondent knew the unlicensed architect was unlicensed in Mississippi, but believed the unlicensed architect was licensed in Tennessee. That architect is not licensed in Tennessee. Respondent did not prepare the plans, and after two meetings with the unlicensed architect, stamped the plans. Respondent never met the owner of the property, and no records of the reviews were produced.

The third project was for the same unlicensed architect from the donut shop project. Respondent claims Respondent conducted a technical review of plans for a dentist's office. The unlicensed architect was recorded as the "designer" of the project. Respondent stated Respondent merely reviewed the plans for health, safety, and welfare, because drafting was labor intensive. Respondent sealed the plans.

Respondent argued at the hearing that the Board lacked jurisdiction over two of the three projects due to Mississippi law exempting certain buildings under a certain size from Board oversight. The Board made arguments as to why that would not apply to Respondent in its Order, but ultimately decided it would assess discipline and find violations based on the first project without going into the other two projects.

While Tennessee has similar language that exempts certain buildings from requiring a licensed architect, our law does not remove the Board's jurisdiction if a licensed architect does choose to take on those projects.

Mitigating Factors: (1) Serving discipline in Mississippi, where violations actually occurred

Aggravating Factors: (1) Multiple violations  
(2) Threat to health, safety, welfare

(3) Outcome likely more severe under Tennessee law

Reviewer: None

Recommendation: Authorize a six-month suspension of Respondent's license, to be settled by consent order or a formal hearing.

**Board Decision:**

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## Number of Registrants and Firms

<b>Architects</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	1510	2285	3795
2/9/2017	1519	2293	3812
3/29/2017	1535	2331	3866
5/23/2017	1538	2328	3866

<b>Engineers</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	7232	8313	15,545
2/9/2017	7247	8340	15,587
3/29/2017	7344	8500	15,844
5/23/2017	7347	8549	15,896

<b>Landscape Architects</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	204	179	383
2/9/2017	203	186	389
3/29/2017	203	193	396
5/23/2017	205	190	395

<b>Interior Designers</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	368	40	408
2/9/2017	370	42	412
3/29/2017	374	43	417
5/23/2017	369	42	411

<b>Totals (Registrants)</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	9,314	10,817	20,131
2/9/2017	9,339	10,861	20,200
3/29/2017	9,456	11,067	20,523
5/23/2017	9,459	11,109	20,568

<b>Architectural Firms</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	444	1311	1755
2/9/2017	444	1331	1775
3/29/2017	445	1351	1796
5/23/2017	449	1369	1818

<b>Engineering Firms</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	961	2964	3925
2/9/2017	966	2993	3959
3/29/2017	966	3034	4000
5/23/2017	971	3095	4066

<b>Landscape Arch Firms</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	56	113	169
2/9/2017	56	115	171
3/29/2017	57	115	172
5/23/2017	58	117	175

<b>Totals (Firms)</b>	<b>In-State</b>	<b>Out-of-State</b>	<b>Total</b>
11/22/2016	1461	4388	5849
2/9/2017	1466	4439	5905
3/29/2017	1468	4500	5968
5/23/2017	1478	4581	6059

NUMBER OF LICENSURE APPLICATIONS REVIEWED AND APPROVED

February 2016 - February 2017

	<u>ARCHITECTS</u>		<u>ENGINEERS</u>		<u>LANDSCAPE ARCH</u>		<u>INTERIOR DESIGNERS</u>	
	REVIEWED	APPROVED	REVIEWED	APPROVED	REVIEWED	APPROVED	REVIEWED	APPROVED
Feb. '16	59	59	299	274	7	7	7	7
exam	3	3	132	113	1	1	n/a	n/a
comity	56	56	167	161	6	6	7	7
May '16	80	80	250	240	5	5	7	7
exam	9	9	13	10	2	2	n/a	n/a
comity	71	71	237	230	3	3	7	7
Oct. '16	89	89	367	360	11	11	6	6
exam	5	5	146	140	1	1	n/a	n/a
comity	84	84	221	220	10	10	6	6
Feb '17	87	87	327	321	1	1	4	4
exam	14	14	149	147	1	1	n/a	n/a
comity	73	73	178	174	0	0	4	4
TOTAL	315	315	1243	1195	24	24	24	24
exam	31	31	440	410	5	5	n/a	n/a
comity	284	284	803	785	19	19	24	24

**Board of Architectural and Engineering Examiners  
Open Complaints**

	<b>Profession</b>	<b>Complaint #</b>	<b>Received</b>	<b>Allegation</b>	<b>Status</b>	<b>Comments</b>
<b>1</b>	Architect	201701410	2/23/2017	Unlicensed practice prior to registration.	Open-Legal	
<b>2</b>	Architect	201701428	2/23/2017	Unlicensed practice.	Open-Legal	
<b>3</b>	Architect	201702056	3/29/2017	Misconduct regarding use of seal.	Open-Legal	
<b>4</b>	Architect	201702402	4/18/2017	Disciplined in another jurisdiction.	Open-Legal	
<b>5</b>	Architect	201702438	4/19/2017	Practice on an expired license.	Open-Legal	
<b>6</b>	Architect	201703060	5/15/2017	Practice on an expired license.	Open-Staff	Response requested
<b>7</b>	Architect	201703064	5/15/2017	Unlicensed practice.	Open-Staff	Response requested
<b>8</b>	Architect	201703066	5/15/2017	Unlicensed practice.	Open-Staff	Response requested
<b>9</b>	Engineer	201604915	8/18/2016	Practice outside area(s) of competence; plan stamping	Open-Legal	Consent order issued
<b>10</b>	Engineer	201605395	9/12/2016	Practice outside area(s) of competence	Open-Legal	Formal charges authorized
<b>11</b>	Engineer	201701563	3/7/2017	Unlicensed practice prior to registration.	Open-Legal	
<b>12</b>	Engineer	201701634	3/9/2017	Unlicensed practice prior to registration.	Open-Legal	Investigation requested
<b>13</b>	Engineer	201701898	3/17/2017	Unlicensed practice.	Open-Legal	
<b>14</b>	Engineer	201702005	3/22/2017	Title violation.	Open-Legal	
<b>15</b>	Engineer	201702053	3/29/2017	Practice outside area(s) of competence.	Open-Legal	
<b>16</b>	Land Arch	201701547	2/22/2017	Practice on an expired license.	Open-Legal	Consent order issued
<b>17</b>	Int Des	201604906	8/11/2016	Continuing education violation.	Open-Legal	Formal charges authorized
	<b>Number over 180 days old without "clock stopping" action: 0 (0%)</b>					
	<b>Number of formal hearings authorized to be heard by ALJ: 0</b>					
	<b>Number of formal hearings authorized to be heard by Board: 2</b>					
	<b>Number in Investigations: 1</b>					
	<b>Percent on time (clock stopped within 180 days) last 18 months: 95.71%</b>					

**THIRD QUARTER FISCAL YEAR 2017  
FINANCIAL REPORT SUMMARY  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

**Revenue:**

- Licensing revenue for the third quarter of fiscal year 2017 increased \$64,460 from the third quarter of fiscal year 2016, which reflects an increase in applications and continued normalization of revenue following the implementation of our new licensing system.

**Expenses:**

- Personal services expenditures (staff salaries, per diems, employee benefits) remained consistent with the third quarter of fiscal year 2016.
- In-state travel expenses increased \$1,287.
- Out-of-state travel expenses increased \$987.
- Communication costs increased \$1,124.
- Third Party Professional Services increased \$4,415.
- All of the grant funds (\$331,700) were expended in the third quarter.
- Training of State Employees, which includes registration fees for national council meetings, decreased \$2,315.
- State Professional Services expenses increased \$11,019, largely because a portion of the office space rent for the previous quarter was charged in the third quarter.
- Overall, direct expenditures increased \$43,378.
- The year-to-date reserve balance is \$393,930. The accumulated reserve at the end of FY 2016 was \$1,651,701.



**FY 2016-2017 PRELIMINARY FINANCIAL REPORT  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS**

	1ST QUARTER JULY-SEPT 2016	1ST QUARTER JULY-SEPT 2015	2ND QUARTER OCT-DEC 2016	2ND QUARTER OCT-DEC 2015	3RD QUARTER JAN-MAR 2017	3RD QUARTER JAN-MAR 2016	4TH QUARTER APR-JUNE 2017	4TH QUARTER APR-JUNE 2016	TOTALS
<b>REVENUE</b>									
A&E	\$ 319,683.14	\$ 256,637.36	\$ 343,133.13	\$ 282,645.00	\$ 446,505.00	\$ 382,045.00		\$ 365,756.00	
CASE AND COMPLAINT REVENUE	14,500.00	-	2,978.00	-	1,000.00	-		5,700.00	
STATE REGULATORY FEE	-	-	-	-	-	-		(91,340.00)	
	<b>\$ 334,183.14</b>	<b>\$ 256,637.36</b>	<b>\$ 346,111.13</b>	<b>\$ 282,645.00</b>	<b>\$ 447,505.00</b>	<b>\$ 382,045.00</b>		<b>\$ 280,116.00</b>	
<b>EXPENDITURES</b>									
REGULAR SALARIES & WAGES	\$ 63,995.00	60,117.72	\$ 62,495.00	\$ 58,932.00	\$ 64,386.00	60,688.00		59,592.00	
PART-TIME SALARIES & WAGES (PER DIEM)	3,050.00	3,250.00	3,000.00	3,650.00	2,200.00	2,500.00		4,150.00	
EMPLOYEE BENEFITS	25,818.66	24,610.38	25,682.01	24,490.27	26,467.05	25,988.88		24,910.61	
IN-STATE TRAVEL	4,617.11	5,434.53	8,752.26	12,354.56	4,912.61	3,625.81		8,651.34	
OUT-OF-STATE TRAVEL	6,868.38	9,078.70	3,974.99	2,159.86	2,446.78	1,460.19		1,339.96	
PRINTING & DUPLICATING	-	-	82.71	-	-	-		-	
COMMUNICATIONS & SHIPPING COSTS	4,002.72	3,288.28	3,434.24	4,495.32	4,956.03	3,832.30		4,689.16	
MAINTENANCE & REPAIRS	-	-	-	-	-	-		140.00	
THIRD PARTY PROFESSIONAL SERVICES	4,438.23	2,940.58	10,343.33	25,015.82	22,492.32	18,077.47		15,024.62	
SUPPLIES & OFFICE FURNITURE	734.34	301.76	420.14	45.58	341.14	379.99		512.74	
RENTALS & INSURANCE	-	-	-	78.32	-	234.96		3,637.06	
GRANTS & SUBSIDIES	-	-	-	(17,849.12)	331,700.00	308,700.00		-	
TRAINING OF STATE EMPLOYEES	1,750.00	4,375.00	1,800.00	325.00	450.00	2,765.00		665.00	
COMPUTER RELATED ITEMS	451.75	576.63	4,790.36	411.48	259.38	-		-	
STATE PROFESSIONAL SERVICES	8,411.47	10,720.03	4,793.57	12,153.78	19,551.35	8,532.42		11,758.47	
TOTAL DIRECT EXPENDITURES	<b>\$ 124,137.66</b>	<b>\$ 124,693.61</b>	<b>\$ 129,568.61</b>	<b>\$ 126,262.87</b>	<b>\$ 480,162.66</b>	<b>436,785.02</b>		<b>135,070.96</b>	
<b>COST BACKS</b>									
DEPARTMENT								157,271.00	
INVESTIGATIONS								-	
LEGAL								73,469.00	
CUSTOMER SERVICE CENTER								9,751.45	
TOTAL COST BACKS								<b>240,491.45</b>	
TOTAL EXPENDITURES	<b>\$ 124,137.66</b>	<b>\$ 124,693.61</b>	<b>\$ 129,568.61</b>	<b>\$ 126,262.87</b>	<b>\$ 480,162.66</b>	<b>436,785.02</b>		<b>375,562.41</b>	
YTD RESERVE	<b>\$ 210,045.48</b>	<b>\$ 131,943.75</b>	<b>\$ 426,588.00</b>	<b>\$ 288,325.88</b>	<b>\$ 393,930.34</b>	<b>233,585.86</b>		<b>138,139.45</b>	
BALANCE ADJUSTMENTS								-	
ACCUMULATED RESERVE								<b>1,651,701.15</b>	

NOTES: Training of State Employees includes registration fees for national council meetings; State Professional Services includes printing by state agencies and lease of office space.

MONTHLY EXPENDITURE DETAIL  
FY 2016-2017

**JANUARY 2017**

<b>REGULAR SALARIES &amp; WAGES</b>	<b>\$ 23,462.00</b>
<b>PART-TIME SALARIES &amp; WAGES (PER DIEM)</b>	<b>\$ 500.00</b>
<b>EMPLOYEE BENEFITS</b>	<b>\$ 9,257.89</b>
<b>IN-STATE TRAVEL</b>	
In-State Mileage	\$ -
In-State Airfare	\$ -
In-State Meals & Incidentals	\$ -
In-State Lodging	\$ -
In-State Travel--Other	\$ -
	<u>\$ -</u>
<b>OUT-OF-STATE TRAVEL</b>	
Out-of-State Airfare	\$ -
Out-of-State Travel--Other	\$ -
Out-of-State Meals	\$ -
Out-of-State Mileage	\$ -
Out-of-State Lodging	\$ -
	<u>\$ -</u>
<b>PRINTING &amp; DUPLICATING</b>	<b>\$ -</b>
<b>COMMUNICATIONS &amp; SHIPPING COSTS</b>	
Telecommunications	\$ -
Postal Charges	\$ 1,496.05
Freight & Express Charges	\$ -
	<u>\$ 1,496.05</u>
<b>MAINTENANCE &amp; REPAIRS</b>	<b>\$ -</b>
<b>THIRD PARTY PROFESSIONAL SERVICES</b>	
Court Reporter Services	\$ -
Document Destruction Services	\$ 33.90
General Business Consulting Svcs	\$ -
Organization Memberships/Dues SC/NCARB	\$ 3,600.00
Other Legal Services	\$ -
Other	\$ -
Consulting Services--Testing Services	\$ -
	<u>\$ 3,633.90</u>
<b>SUPPLIES &amp; OFFICE FURNITURE</b>	
Office Supplies & Furniture	\$ 310.26
Operational Supplies	\$ 24.12
Training Supplies	\$ -
Sensitive Minor Equipment	\$ -
	<u>\$ 334.38</u>
<b>RENTALS &amp; INSURANCE</b>	
Rent or Lease of Buildings	\$ -
Rent or Lease of Reproduction Equipment	\$ -
	<u>\$ -</u>
<b>GRANTS &amp; SUBSIDIES</b>	<b>\$ -</b>

MONTHLY EXPENDITURE DETAIL  
FY 2016-2017

**TRAINING OF STATE EMPLOYEES**

In-Service Training	\$ -	
Out-Service Training	\$ 450.00	(NCARB reg. fee)
	<b>\$ 450.00</b>	

**COMPUTER RELATED ITEMS**

Maintenance of Equipment	\$ -
Data Processing Supplies	\$ 24.42
Rent or Lease of Data Processing Equip.	\$ 78.32
Data Processing Services (Non-State)	\$ -
Sensitive Minor Computers	\$ -
	<b>\$ 102.74</b>

**STATE PROFESSIONAL SERVICES**

Data Processing Services (F&A, OIR)	\$ -
Statewide Accounting Billing	\$ -
Telephone Billing	\$ 288.95
Payroll Billing	\$ -
Lock Box Billing	\$ -
Attorney General Billings	\$ -
Administrative Judges Billing (SOS)	\$ -
Agency Internal Administrative Costs	\$ -
Agency Internal Info Systems Costs	\$ -
Printing & Reproduction by State Agencies	\$ 245.31
Rent or Lease of State Buildings	\$ -
State-Owned Vehicle Charges	\$ -
Other	\$ -
	<b>\$ 534.26</b>

**TOTAL JANUARY 2017** **\$ 39,771.22**

**FEBRUARY 2017**

<b>REGULAR SALARIES &amp; WAGES</b>	<b>\$ 20,462.00</b>
<b>PART-TIME SALARIES &amp; WAGES (PER DIEM)</b>	<b>\$ 1,450.00</b>
<b>EMPLOYEE BENEFITS</b>	<b>\$ 8,650.50</b>

**IN-STATE TRAVEL**

In-State Mileage	\$ -
In-State Airfare	\$ -
In-State Meals & Incidentals	\$ -
In-State Lodging	\$ 1,127.00
In-State Travel--Other	\$ -
	<b>\$ 1,127.00</b>

**OUT-OF-STATE TRAVEL**

Out-of-State Airfare	\$ -
Out-of-State Travel--Other	\$ -
Out-of-State Meals	\$ 224.00
Out-of-State Mileage	\$ -
Out-of-State Lodging	\$ 793.50
	<b>\$ 1,017.50</b>

**PRINTING & DUPLICATING** **\$ -**

**COMMUNICATIONS & SHIPPING COSTS**

Telecommunications	\$ -
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MONTHLY EXPENDITURE DETAIL  
FY 2016-2017

Postal Charges	\$ 1,508.78
Freight & Express Charges	\$ -
	<u>\$ 1,508.78</u>
<b>MAINTENANCE &amp; REPAIRS</b>	<b>\$ -</b>
<b>THIRD PARTY PROFESSIONAL SERVICES</b>	
Court Reporter Services	\$ -
Document Destruction Services	\$ 27.12
General Business Consulting Svcs	
Credit card fees (online renewal)	\$ 5,248.29
Organization Memberships/Dues	\$ -
CIDQ Dues	\$ 4,000.00
Other Legal Services	\$ -
Other	\$ -
Consulting Services--Testing Services	\$ -
	<u>\$ 9,275.41</u>
<b>SUPPLIES &amp; OFFICE FURNITURE</b>	
Office Supplies & Furniture	\$ -
Operational Supplies	\$ -
Training Supplies	\$ -
Sensitive Minor Equipment	\$ -
	<u>\$ -</u>
<b>RENTALS &amp; INSURANCE</b>	
Rent or Lease of Buildings	\$ -
Rent or Lease of Reproduction Equipment	\$ -
	<u>\$ -</u>
<b>GRANTS &amp; SUBSIDIES</b>	<b>\$ -</b>
<b>TRAINING OF STATE EMPLOYEES</b>	
In-Service Training	\$ -
Out-Service Training	\$ -
	<u>\$ -</u>
<b>COMPUTER RELATED ITEMS</b>	
Maintenance of Equipment	\$ -
Data Processing Supplies	\$ -
Data Processing Services (Non-State)	\$ -
Sensitive Minor Computers	\$ -
	<u>\$ -</u>
<b>STATE PROFESSIONAL SERVICES</b>	
Data Processing Services (F&A, OIR)	\$ -
Statewide Accounting Billing	\$ -
Telephone Billing	\$ 298.30
Payroll Billing	\$ -
Lock Box Billing	\$ -
Attorney General Billings	\$ -
Administrative Judges Billing (SOS)	\$ -
Agency Internal Administrative Costs	\$ -
Agency Internal Info Systems Costs	\$ -
Printing & Reproduction by State Agencies	\$ -
Rent or Lease of State Buildings	\$ 7,894.20
State-Owned Vehicle Charges	\$ -
Other	\$ -
	<u>\$ -</u>

MONTHLY EXPENDITURE DETAIL  
FY 2016-2017

	\$	8,192.50
<b>TOTAL FEBRUARY 2017</b>	<b>\$</b>	<b>51,683.69</b>

**MARCH 2017**

<b>REGULAR SALARIES &amp; WAGES</b>	<b>\$</b>	<b>20,462.00</b>
<b>PART-TIME SALARIES &amp; WAGES (PER DIEM)</b>	<b>\$</b>	<b>250.00</b>
<b>EMPLOYEE BENEFITS</b>	<b>\$</b>	<b>8,558.66</b>

**IN-STATE TRAVEL**

In-State Mileage	\$	1,615.86
In-State Airfare	\$	-
In-State Meals & Incidentals	\$	708.00
In-State Lodging	\$	1,288.00
In-State Travel--Other	\$	173.75
	<b>\$</b>	<b>3,785.61</b>

**OUT-OF-STATE TRAVEL**

Out-of-State Airfare	\$	264.20
Out-of-State Travel--Other	\$	124.60
Out-of-State Meals	\$	224.00
Out-of-State Mileage	\$	-
Out-of-State Lodging	\$	816.48
	<b>\$</b>	<b>1,429.28</b>

**PRINTING & DUPLICATING**

**\$ -**

**COMMUNICATIONS & SHIPPING COSTS**

Telecommunications	\$	-
Postal Charges	\$	1,951.20
Freight & Express Charges	\$	-
	<b>\$</b>	<b>1,951.20</b>

**MAINTENANCE & REPAIRS**

**\$ -**

**THIRD PARTY PROFESSIONAL SERVICES**

Court Reporter Services	\$	-
Document Destruction Services	\$	27.12
General Business Consulting Svcs		
Credit Card Fees (online renewal)	\$	2,955.89
Dr. John W. Smith (transcript eval)	\$	100.00
Organization Memberships/Dues		
NCEES	\$	6,500.00
Other Legal Services	\$	-
Other	\$	-
Consulting Services--Testing Services	\$	-
	<b>\$</b>	<b>9,583.01</b>

**SUPPLIES & OFFICE FURNITURE**

Office Supplies & Furniture	\$	6.76
Operational Supplies	\$	-
Training Supplies	\$	-
Sensitive Minor Equipment	\$	-
	<b>\$</b>	<b>6.76</b>

**RENTALS & INSURANCE**

MONTHLY EXPENDITURE DETAIL  
FY 2016-2017

Rent or Lease of Buildings	\$ -
Rent or Lease of Reproduction Equipment	\$ -
	<u>\$ -</u>

**GRANTS & SUBSIDIES**

UTK	\$ 87,286.00
Univ of Memphis	\$ 48,053.00
UTC	\$ 48,716.00
MTSU	\$ 16,605.00
O'More	\$ 3,000.00
ETSU	\$ 3,000.00
TTU	\$ 33,725.00
Vanderbilt	\$ 22,292.00
TSU	\$ 18,649.00
CBU	\$ 13,835.00
UTM	\$ 12,800.00
Lipscomb	\$ 12,777.00
Union	\$ 10,962.00
	<u>\$ 331,700.00</u>

**TRAINING OF STATE EMPLOYEES**

In-Service Training	\$ -
Out-Service Training	\$ -
	<u>\$ -</u>

**COMPUTER RELATED ITEMS**

Maintenance of Equipment	\$ -
Data Processing Supplies	\$ -
Rent or Lease of Data Processing Equip.	\$ 156.64
Data Processing Services (Non-State)	\$ -
Sensitive Minor Computers	\$ -
	<u>\$ 156.64</u>

**STATE PROFESSIONAL SERVICES**

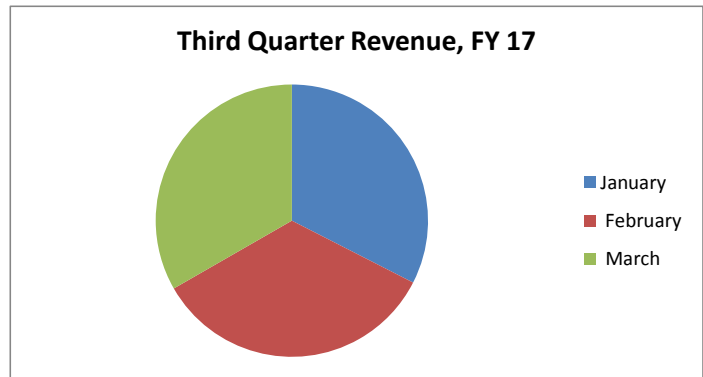
Data Processing Services (F&A, OIR)	\$ -
Statewide Accounting Billing	\$ -
Telephone Billing	\$ 298.99
Payroll Billing	\$ -
Lock Box Billing	\$ -
Attorney General Billings	\$ -
Administrative Judges Billing (SOS)	\$ -
Agency Internal Administrative Costs	\$ -
Agency Internal Info Systems Costs	\$ -
Printing & Reproduction by State Agencies	\$ -
Rent or Lease of State Buildings	\$ 10,525.60
State-Owned Vehicle Charges	\$ -
Other	\$ -
	<u>\$ 10,824.59</u>

**TOTAL MARCH 2017**

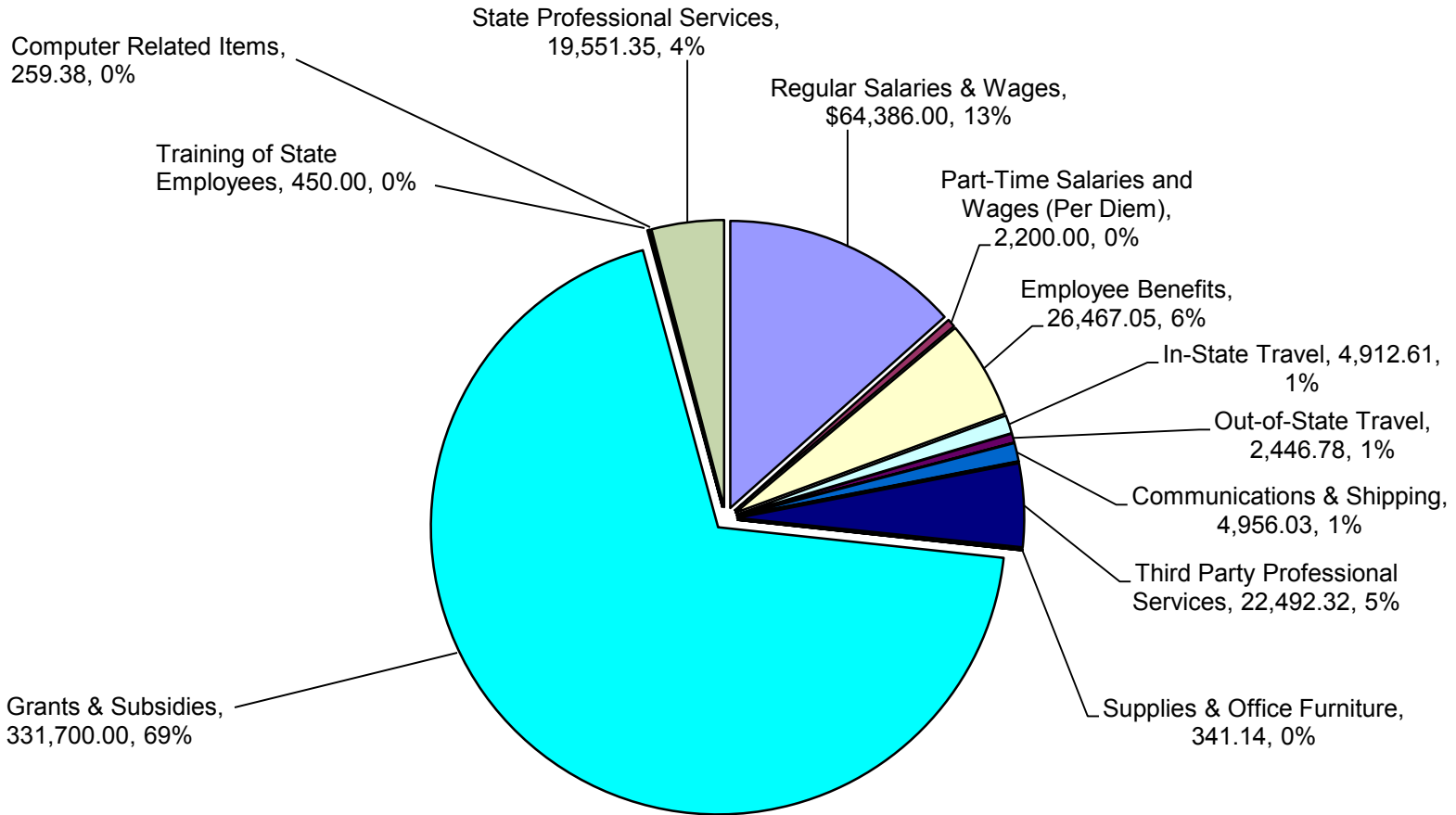
**\$ 388,707.75**

**MONTHLY REVENUE BREAKDOWN  
FY 2016-2017**

	<b>A&amp;E</b>	<b>Case &amp; Complaint</b>	<b>Total</b>
<b>First Quarter</b>			
July	\$ 124,730.00	\$ -	\$ 124,730.00
August	\$ 92,750.00	\$ 12,000.00	\$ 104,750.00
September	\$ 102,203.14	\$ 2,500.00	\$ 104,703.14
	<b>\$ 319,683.14</b>	<b>\$ 14,500.00</b>	<b>\$ 334,183.14</b>
<b>Second Quarter</b>			
October	\$ 108,390.00	\$ -	\$ 108,390.00
November	\$ 101,475.00	\$ 2,978.00	\$ 104,453.00
December	\$ 133,268.13	\$ -	\$ 133,268.13
	<b>\$ 343,133.13</b>	<b>\$ 2,978.00</b>	<b>\$ 346,111.13</b>
<b>Third Quarter</b>			
January	\$ 145,010.00	\$ 500.00	\$ 145,510.00
February	\$ 152,990.00	\$ -	\$ 152,990.00
March	\$ 148,505.00	\$ 500.00	\$ 149,005.00
	<b>\$ 446,505.00</b>	<b>\$ 1,000.00</b>	<b>\$ 447,505.00</b>
<b>Fourth Quarter</b>			
April			
May			
June			
<b>Total</b>	<b>\$1,109,321.27</b>	<b>\$ 18,478.00</b>	<b>\$ 1,127,799.27</b>



**Expenditures--3rd Quarter, FY 2017**  
**Total Direct Expenditures: \$480,162.66**

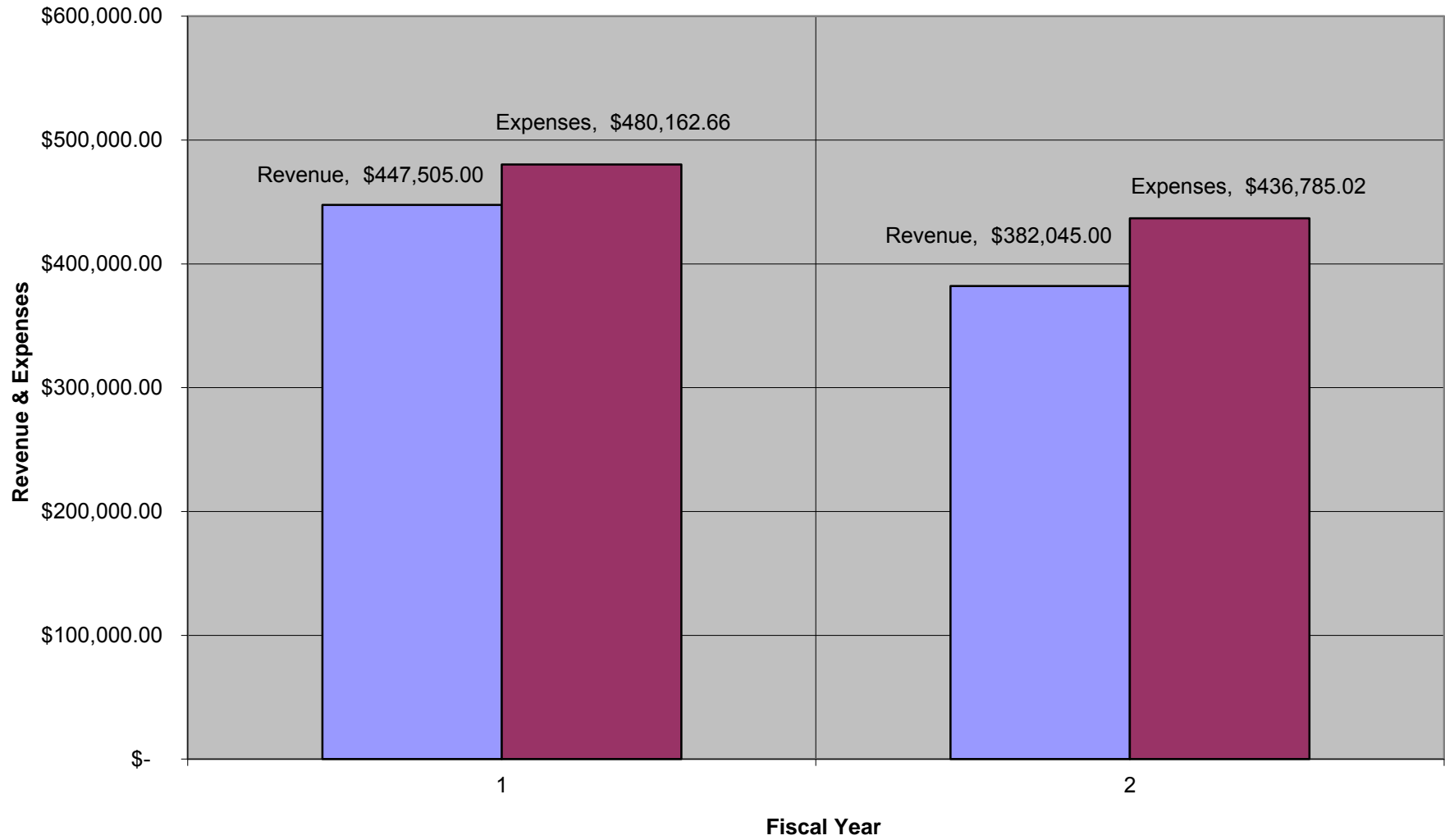




### 3rd Quarter Comparison

FY 2017

FY 2016



## 2017 PENDING LEGISLATION

Bill Number(s)/Sponsor(s)	Description	House	Senate	Board Position
HB0300*/SB1188 Hawk/Norris	Professions and Occupations - As introduced, revises various professional regulatory provisions. Amends T.C.A. § 62-2-401(a)(1) to replace language stating that applicants for engineer registration must be certified as an engineer intern with language stating that applicants must have passed the FE exam.	<b>Passed</b> ; Public Chapter 226	<b>Passed</b> ; Public Chapter 226	<i>Public chapter attached.</i>
HB0597/SB0329* Williams/Kelsey	Professions and Occupations - As introduced, specifies that a person who holds a master's degree in engineering from an approved institution, has a record of at least four years of progressive experience on certain engineering projects, and has obtained certification as an engineer intern must be registered as an engineer upon passage of an examination. - Amends T.C.A. § 62-2-401.	<b>Passed</b> with amendment increasing experience requirement to 20 years; sunsets 6/30/19; Public Chapter 348	<b>Passed</b> with amendment increasing experience requirement to 20 years; sunsets 6/30/19; Public Chapter 348	Oppose as introduced.  <i>Public chapter attached.</i>
HB0340/SB0040* Hulsey/Southerland	Public Contracts - As introduced, entitles a construction design professional to compensation for additional services provided to certain state agencies that are not included in a basic services agreement; provides for the adjudication of disputes between construction design professionals and state agencies by an administrative law judge. Includes Title 62 in the caption.	State Government Subcommittee —taken off notice	State and Local Government Committee	
HB0326*/SB1217 Hawk/Norris	Administrative Procedure (UAPA) - As introduced, authorizes commissioners and chief executive officers of administrative departments under which regulatory boards operate to review and either approve or veto rules and actions that may constitute unreasonable restraints of trade.	<b>Passed as amended</b> ; Public Chapter 230	<b>Passed as amended</b> ; Public Chapter 230	Voted to express concern.  <i>Public chapter attached.</i>

HB0775*/SB1083 Powell/Lundberg	Fees - As introduced, creates the fee reduction and elimination examination task force to conduct a comprehensive study of the continued need for regulatory fees in this state. Includes Title 62 in the caption.	Recommend for passage; Finance, Ways & Means Subcommittee —taken off notice	General Subcommittee of Government Operations Committee	
HB0025/SB0015* Daniel/Green	Taxes, Privilege - As introduced, phases out the professional privilege tax over a four-year period, by reducing the amount of the tax by \$100 each year, for tax years that begin on and after June 1, 2017.	Finance, Ways & Means Subcommittee —taken off notice	Negative recommend; FW&M Committee	
HB0013*/SB0364 Reedy/Roberts	Taxes, Privilege - As introduced, phases out the professional privilege tax over a four-year period, by reducing the amount of the tax by \$100 each year, for tax years that begin on and after June 1, 2017.	Finance, Ways & Means Subcommittee —taken off notice	FW&M Committee	
HB0041*/SB0132 VanHuss/Bowling	Taxes, Privilege - As introduced, phases out the professional privilege tax over a five-year period, by reducing the amount of the tax by \$80 each year, for tax years that begin on and after June 1, 2017.	Finance, Ways & Means Subcommittee; action deferred to Jan. 2018	Favorable recommend; FW&M Committee	
HB0046*/SB0306 Clemmons/Kyle	Taxes, Privilege - As introduced, exempts individuals from the professional privilege tax for the first year in which they are licensed or registered in a taxable profession.	Finance, Ways & Means Subcommittee —taken off notice	Negative recommend; FW&M Committee General Subcommittee	
HB1034/SB0205* VanHuss/Bowling	Taxes, Privilege - As introduced, eliminates the professional privilege tax for the tax year ending on May 31, 2018, and subsequent tax years.	Finance, Ways & Means Subcommittee —taken off notice	Negative recommend; FW&M Committee	
HB0060*/SB0546 Rogers/Ketron	Taxes, Privilege - As introduced, allows a person engaged in an occupation subject to the occupational privilege tax who is or is older than the age for full social security benefits and who earns no more than \$16,000 per year from the taxable occupation to receive a 75% rebate on that person's privilege tax.	Finance, Ways & Means Subcommittee —taken off notice	Neutral recommend; FW&M Committee General Subcommittee	

HB1408/SB1061* Weaver/Lundberg	Highways, Roads and Bridges - As introduced, removes the exemption from the competitive bidding requirement for design and consultant contracts entered into by the department of transportation. Includes Title 12 in the caption.	Transportation Subcommittee	Transportation and Safety Committee General Subcommittee	Oppose as introduced.
HB1391*/SB1313 Jernigan/Yarbro	Economic and Community Development, Dept. of - As introduced, establishes the office of apprenticeship and work-study programs within the department; provides a tax credit to entities that participate in the programs; and reinstates certain apprenticeship programs for certain professional boards and commissions. Includes Title 62 in the caption.	State Government Subcommittee —taken off notice	Commerce and Labor Committee General Subcommittee	
HB0566/SB0449* Howell/Bell	Professions and Occupations - As introduced, requires state governmental entities that establish or adopt guides to practice to do so through the promulgation of rules; guides to practice include codes of ethics, voluntary certification programs, and other measures required to ensure minimum quality of service. Includes Title 62 in the caption.	<b>Passed as amended;</b> Public Chapter 215	<b>Passed as amended;</b> Public Chapter 215	<i>Public chapter attached.</i>

Section 7, Item 35 of the appropriations bill (HB0511/SB0483) earmarks \$350,000 for the Board's grants program.



# State of Tennessee

## PUBLIC CHAPTER NO. 226

SENATE BILL NO. 1188

By Norris, Watson

Substituted for: House Bill No. 300

By Hawk, Casada, Howell, Daniel, Terry, Ragan, Hardaway

AN ACT to amend Tennessee Code Annotated, Title 62, relative to professional licenses and regulations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-2-401(a)(1), is amended by deleting the language "and who has obtained certification as an engineer intern" and substituting instead the language "and passed an examination prepared by the National Council of Examiners for Engineering and Surveying involving the fundamentals of engineering".

SECTION 2. Tennessee Code Annotated, Section 62-3-110(b)(3), is amended by deleting the subdivision and substituting instead the following:

(3) Either:

(A) Has satisfactorily completed a course of one thousand five hundred (1,500) hours in a registered barber school or college; or

(B) Holds a valid Tennessee cosmetology license and has completed three hundred (300) hours in a registered barber school or college regarding the fundamentals of straight razor shaving and barbering technique.

SECTION 3. Tennessee Code Annotated, Section 62-4-110, is amended by deleting subsection (a) and substituting instead the following:

(a) Any person who desires a cosmetologist's license shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board;

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years; and

(3) Satisfactory proof that the applicant either:

(A) Has completed and passed a course of instruction of no less than one thousand five hundred (1,500) hours in practice and theory at a school of cosmetology; or

(B) Holds a valid Tennessee master barber registration and has completed three hundred (300) hours in a licensed school of cosmetology learning the fundamentals of cosmetology technique and pedicuring.

SECTION 4. Tennessee Code Annotated, Section 62-6-308, is amended by deleting subdivision (a)(8) and substituting instead the following:

(8) Committing a felony offense that bears directly on the person's fitness to practice competently, as determined by the commissioner;

experience to competently complete the appraisal assignment for the particular market and property type;

(4) Direct the appraiser to perform the assignment in accordance with the USPAP; and

(5) Establish and comply with processes and controls reasonably designed to ensure that the AMC conducts its appraisal management services in accordance with the requirements of section 129E(a)-(i) of the Truth in Lending Act (15 U.S.C. § 1639e(a)-(i)) and regulations promulgated thereunder.

SECTION 15. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2017, the public welfare requiring it.

SENATE BILL NO. 1188

PASSED: April 17, 2017

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2017

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 348**

**SENATE BILL NO. 329**

**By Kelsey**

Substituted for: House Bill No. 597

**By Williams**

AN ACT to amend Tennessee Code Annotated, Section 62-2-401, relative to licensure of engineers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-2-401(a), is amended by adding the following as a new subdivision:

( ) **Master's Degree from Approved Institution.** A person who holds a master's degree in engineering from an institution with an ABET accredited engineering program approved by the board as being of satisfactory standing, and with a specific record of twenty (20) years or more of progressive experience on engineering projects of a grade and character that indicates to the board that the applicant is competent to practice engineering and who has passed the Fundamentals of Engineering Examination administered by the National Council of Examiners for Engineering and Surveying (NCEES) shall be admitted to an examination prepared by the NCEES, in the principles and practice of engineering. Upon passing the examination, the applicant shall be granted a certificate of registration to practice engineering in this state if the applicant is otherwise qualified.

SECTION 2. This act shall take effect July 1, 2017, the public welfare requiring it, and is repealed on June 30, 2019, provided that any applicant satisfying the qualifications established pursuant to this act and who is registered as an engineer shall maintain such registration.



SENATE BILL NO. 329

PASSED: May 3, 2017

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 11<sup>th</sup> day of May 2017

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR



# State of Tennessee

## PUBLIC CHAPTER NO. 230

SENATE BILL NO. 1217

By Norris, Stevens

Substituted for: House Bill No. 326

By Hawk, Casada

AN ACT to amend Tennessee Code Annotated, Title 4, relative to the doctrine of state action antitrust immunity.

WHEREAS, in *North Carolina State Board of Dental Examiners v. Federal Trade Commission*, 135 S. Ct. 1101 (2015), the Supreme Court of the United States held that members of state regulatory boards comprised of a controlling number of active market participants may be subject to liability under federal antitrust law unless they are acting pursuant to clearly articulated state policy or law and are actively supervised by the state; and

WHEREAS, in accordance with this Supreme Court decision, this bill gives a designated state official authority to review regulatory board actions that may constitute a potentially unreasonable restraint of trade for the sole purpose of determining whether the action is consistent with a clearly articulated state policy or law established by the General Assembly with respect to the board; and

WHEREAS, this bill provides for legislative notification and oversight in the event that a state official vetoes a board action; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 4, is amended by adding the following language as a new section:

### 4-4-126.

(a) As used in this section:

(1) "Regulatory board" means any state board, commission, council, committee, or similar entity or body established by statute or rule that issues any license, certificate, registration, certification, permit, or other similar document for an occupation, profession, business, or trade in this state or otherwise regulates or controls any occupation, profession, business, or trade in this state. "Regulatory board" does not mean any board created by § 23-1-101, § 17-5-201, or the rules of the supreme court; and

(2) "Supervising official" means the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or the commissioner's or officer's designee.

(b) Each supervising official shall ensure that the actions of regulatory boards that displace competition are consistent with a clearly articulated state policy. With respect to any action, other than rulemaking, taken by a regulatory board the supervising official shall:

(1) Evaluate whether the action may constitute a potentially unreasonable restraint of trade that requires further review; and

(2) If it is determined that an action requires further review pursuant to subdivision (b)(1):

(A) Provide notice to the regulatory board within ten (10) business days of the date the action was taken that the action is subject to further review;

(B) Review the full evidentiary record regarding the action and, if necessary, supplement the evidentiary record or direct the regulatory board or other involved persons or entities to supplement the evidentiary record;

(C) Conduct a review of the substance of the action, de novo and on the merits, for the sole purpose of determining whether the action is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board; and

(D) In writing:

(i) Approve the action if the supervising official determines that it is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board;

(ii) Remand the action to the regulatory board for additional information, further proceedings, or modification, as is necessary to ensure that the action is consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board; or

(iii) Veto the action if the supervising official determines that it is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board.

(c) The supervising official may not:

(1) Be licensed by, or participate in or have a financial interest in an occupation, profession, business, or trade regulated by or otherwise affected or potentially affected by, the regulatory board whose action is subject to review under this section; or

(2) Be a voting or ex officio member of the regulatory board whose action is subject to review under this section.

(d) The supervising official's duties established pursuant to this section shall be carried out in a reasonably prompt manner and in accordance with any time limitations set forth in this section.

(e) If, within ten (10) business days of the date an action is taken, the supervising official provides notice to the chair of the regulatory board that the action is subject to further review pursuant to subdivision (b)(2), the action shall take effect upon the supervising official's approval but shall not take effect if the supervising official vetoes or remands the action.

(f) The supervising official's approval, remand, or veto of a regulatory board's action pursuant to subdivision (b)(2)(D) must include written justification for the decision and shall constitute the regulatory board's action with respect to that matter.

(g) A regulatory board shall provide to the supervising official adequate notice of its meetings.

(h) The supervising official must provide written notice to the chairs of the government operations committees of the senate and house of representatives of any veto of an action pursuant to this section within three (3) business days of the date of the veto. The government operations committees of the senate and house of representatives are authorized to conduct a hearing regarding the vetoed action at a subsequent, regularly scheduled meeting and may request the supervising official and a regulatory board representative to appear at the hearing. The government

operations committees may meet jointly or separately. Nothing contained in this section shall be construed to authorize the government operations committees to delay or overturn the supervising official's veto, nor shall it limit the authority of the government operations committees to recommend legislation to the general assembly regarding the subject matter of a hearing conducted pursuant to this subsection.

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following language as a new, appropriately designated section:


**4-5-230.**

Prior to a rule being filed by a regulatory board, as defined in § 4-4-126(a), with the secretary of state pursuant to § 4-5-207 or § 4-5-208, the commissioner or chief executive officer of the administrative department under which a regulatory board operates or to which a regulatory board is administratively attached, or a designee to the extent a conflict of interest may exist with respect to the commissioner or chief executive officer, will remand a rule that may constitute a potentially unreasonable restraint of trade to the regulatory board for additional information, further proceedings, or modification, if the rule is not consistent with a clearly articulated state policy or law established by the general assembly with respect to the regulatory board.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE BILL NO. 1217

PASSED: April 10, 2017

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 24<sup>th</sup> day of April 2017

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR



# *State of Tennessee*

## **PUBLIC CHAPTER NO. 215**

### **SENATE BILL NO. 449**

**By Bell**

Substituted for: House Bill No. 566

By Howell, Zachary, Carter, Goins, Rogers, Lamberth, Powers, Byrd, Kevin Brooks, Matlock, Doss, Dawn White, Cameron Sexton, Terry, Daniel, Ragan, Mark White

AN ACT to amend Tennessee Code Annotated, Title 4; Title 49; Title 62; Title 63; Title 68; Title 69 and Title 70, relative to guides to practice for administrative agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 5, Part 2, is amended by adding the following as a new section:

(a)(1) All entities listed in chapter 29, part 2 of this title that establish or adopt guides to practice or that regulate professions that establish or adopt guides to practice shall promulgate rules specifying all provisions included in and relating to the guides to practice.

(2) No entity subject to this section shall adopt guides to practice developed or approved by any private organization or association that are not adopted in accordance with this chapter. Any changes to guides to practice made by a private organization or association after the guides to practice are adopted shall be effective only after the changes are also adopted in accordance with this chapter.

(3) This subsection (a) only applies to guides to practice:

(A) Established, adopted, or amended after the effective date of this act; and

(B) That must be complied with in order to maintain a person's license, certification, or registration in order to practice a profession.

(b) The rules promulgated by entities pursuant to subsection (a) shall:

(1) Supersede any existing guides to practice developed or approved by a private organization or association that conflict with or are otherwise not included in such rules; and

(2) Be promulgated in accordance with this chapter.

(c) As used in this section, "guides to practice" includes codes of ethics and other measures that establish service quality standards. "Guides to practice" does not include:

(A) Tests or examinations;

(B) Building codes;

(C) Safety codes; or

(D) Drug standards.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.


SENATE BILL NO. 449

PASSED: April 17, 2017

  
\_\_\_\_\_  
RANDY McNALLY  
SPEAKER OF THE SENATE

  
\_\_\_\_\_  
BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 28<sup>th</sup> day of April 2017

  
\_\_\_\_\_  
BILL HASLAM, GOVERNOR

## Action Items (June 2017)

### John Cothron

- Send proposed changes to the Engineering Accreditation Commission (EAC)/ABET criteria to engineering deans in the state for comment.
- Draft revisions to the Engineer Committee policy regarding fulfillment of humanities/social sciences (general education) deficiencies for consideration at the next committee meeting.
- In consultation with Legal, review the *Reference Manual* for possible revisions.
- Send out a “save the date” notice to the schools regarding this year’s grants application deadline (August 31, 2017).

### Legal Counsel

- File proposed rule changes approved at the April Board meeting.
- Review proposed revisions to the QBS FAQs, especially FAQ #4 regarding the QBS law’s application to public school systems.
- Draft the following proposed continuing education rule changes for the Board’s consideration:
  - Language allowing registrants to request a continuing education waiver for a specific period of time in cases of hardship, such as maternity, paternity, or family leave.
  - Language to phase out carryover hours for architects, engineers, and landscape architects.
  - Language allowing engineers and landscape architects to report hours on a calendar year basis.

### Ricky Bursi

- Draft a letter outlining the Engineer Committee’s concerns regarding proposed changes to the Engineering Accreditation Commission (EAC)/ABET criteria for consideration at the next Engineer Committee meeting.

### Engineer and Landscape Architect Committees

- Discuss a proposal to require all continuing education hours to address health, safety and welfare (HSW) subjects and to include HSW definitions in the rules for all professions.

### Continuing Education Committee

- Meet in August 2017 to discuss proposed changes to the continuing education rules.

2018 Legislative Proposal: Eliminate the experience duration requirement in the law (T.C.A. § 62-2-501) for architect exam applicants, and require simply completion of the Intern Development Program (IDP)/Architectural Experience Program (AXP) for these applicants.



### October Agenda Topics

- Discuss definitions of practice and incidental practice provisions.
- Discuss experience requirement for landscape architects (should applicants be required to have 3 years of experience under the supervision of a registered landscape architect?).
- Discuss special project grants and proposal to increase grants appropriation.



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
BOARD OF ARCHITECTURAL AND ENGINEERING EXAMINERS  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TENNESSEE 37243-1142  
Telephone: 615-741-3221 Fax: 615-532-9410  
<http://www.tn.gov/commerce/section/architects-engineers>

## FREQUENTLY ASKED QUESTIONS ABOUT QUALIFICATIONS-BASED SELECTION FOR PUBLIC PROJECTS AS DEFINED BY T.C.A. § 12-4-107(a)

*The responses below reflect the Board of Architectural and Engineering Examiners' interpretation of T.C.A. § 12-4-107, as necessary to enforce Rule 0120-02-.02(6), and were adopted on June 12, 2014, and revised and adopted on October 10, 2014, June 4, 2015, and August 12, 2015. The responses below should not be viewed as comprehensive, and registrants are urged to contact the Board office for questions that are not addressed in this document. This document is not intended to create any substantive or procedural rights, enforceable by any party in administrative and judicial litigation with the State of Tennessee. The Tennessee Board of Architectural and Engineering Examiners reserves the right to act at variance with these FAQs and to review any case or complaint before it on the specific facts of that matter.*

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### 1. To what projects does T.C.A. § 12-4-107(a) apply?

T.C.A. § 12-4-107 applies to all contracts for architectural, engineering and construction services procured by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute. ~~Some communications from the Board refer to "public works projects," which should not be understood in the narrow sense of projects typically associated with public works departments. The term "public works" is used in the general sense of any project paid for by government funds for public use. The statute does not actually use the term "public works."~~

**2. What has changed? Is the Board of Architectural and Engineering Examiners imposing a new requirement?**

The requirement to select design professionals for public projects through qualifications-based selection is not a new requirement. This requirement has been in the law for many years, and the Board of Architectural and Engineering Examiners is not imposing any additional requirements on the state or local jurisdictions. The only change is that, effective March 11, 2013, the Board may now discipline registered architects, engineers, and landscape architects for failing to comply with ~~T.C.A. § 12-4-107(a) and~~ Rule 0120-02-.02(6).

**3. Does T.C.A. § 12-4-107(a) encompass studies and other services that do not involve the preparation of sealed plans?**

Any study or service that requires professional architectural, engineering, or landscape architectural services and expertise that requires the seal of a registrant, or if these professional services are offered by the proposer, would fall under the scope of the statute.

**4. Does T.C.A. § 12-4-107(a) apply to public school systems and public building authorities?**

Yes, unless an exemption applies. T.C.A. § 12-4-107 applies to all contracts for professional services by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute.

**5. Does T.C.A. § 12-4-107(a) apply to non-profit organizations that receive public funds, such as charter schools?**

No. T.C.A. § 12-4-107 applies only to contracts for professional services by any municipal corporation, county, state, development district, utility district, human resource agency, or other political subdivision created by statute. It does not apply to private non-profit organizations, regardless of the source of funding. However, although T.C.A. § 12-4-107(a) does not require qualifications-based selection in these instances, the conditions of the source of funding, such as a governmental grant, may still require qualifications-based selection.

**6. Does T.C.A. § 12-4-107(a) apply to landscape architectural services?**

~~Yes. Although the statute does not specifically reference landscape architectural services, it may be safely assumed that such services are included due to the overlap among the architectural, engineering, and landscape architectural professions, and the fact that similar qualifications and standards apply to all three design professions. Additionally, Rule 0120-02-.02(6) does reference landscape architectural services. The statute does not directly address landscape architectural services; however, it appears that such services might constitute “construction services” due to the overlap among the architectural, engineering, and landscape architectural professions, and the fact that similar qualifications and standards apply to all three design professions. Additionally, Rule 0120-02-.02(6) does reference landscape architectural services.~~

**7. Does T.C.A. § 12-4-107(a) apply to interior design services?**

No. The statute does not reference interior design services, and the Board of Architectural and Engineering Examiners does not regulate the practice of interior design—only use of the title “registered interior designer.”

**8. Is it permissible for a registrant to provide a description of intended compensation (i.e., whether you charge a fixed fee, percentage, etc.) in response to a RFQ/RFP for a public project?**

~~Yes, provided that a specific monetary amount or percentage is not included in the response. Generally, yes; the Board takes the position that providing only a description of the method of compensation without providing specific monetary amount or percentage would not allow an entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services in violation of Rule 0120-02-.02(6); however, each individual situation would depend on the specific facts.~~

**9. Is it permissible for a registrant to submit hourly rates and an estimate of man-hours required to complete a design project in response to a RFQ/RFP for a public project?**

~~No. T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) preclude a registrant from submitting any information that could be used to determine compensation in response to a RFQ/RFP for a public project. Generally, no; the Board takes the position that providing hourly rates and an estimate of man-hours required to~~

complete a design project in response to a RFQ/RFP for a public project would allow an entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services in violation of Rule 0120-02-.02(6).

**10. Is it permissible for a registrant to submit a price in a sealed envelope in response to a RFQ/RFP for a public project?**

~~No. Registrants may only state compensation to a prospective client in direct negotiation following selection based on qualifications.~~ Generally, no. To the extent that providing the information, even in a sealed envelope, would enable a governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant, providing such information may be in violation of Rule 0120-02-.02(6).

**11. Does the following procedure comply with T.C.A. § 12-4-107 and Rule 0120-02-.02(6)?**

***A jurisdiction requests responses to a RFQ. Responses are evaluated to prequalify firms for participation in the RFP process. Prequalified proposers then submit formal proposals (RFPs)—including fees— for consideration and final selection.***

No. The prequalification procedure outlined above would not comply. In accordance with T.C.A. § 12-4-107(a), once the public body (client) has selected the most qualified design professional/firm, it may request a fee proposal from that firm. The agency may then negotiate a satisfactory contract with the selected firm. If an agreement cannot be reached and the negotiations are formally terminated, the agency may then proceed to select the next most qualified design professional/firm on the list and continue negotiations until an agreement is reached. However, a procedure in which the agency wishes to contract with as many qualified respondents as possible, multiple firms are selected, and a contract is negotiated with each firm separately following selection based on qualifications would be in compliance.

**12. What alternate methods are available for determining possible architectural, engineering, or landscape architectural costs?**

- a. Enlist the aid of a professional or agency such as a Development District in determining the scope of the project for a RFQ. This should allow a realistic budget for the entire project, including construction, so that price surprises are minimized.

- b. State the budget range for professional services in the RFQ. The budgeted amount allows the design professional to determine if they can meet the stated requirements within the budget range and minimizes review time for the municipality.
- c. Use standard cost basis schedules such as used by the State Building Commission or Rural Development to determine expected design costs. These schedules have been used for many years by both governments and design professionals to establish reasonable compensation for projects of various sizes.

**13. Is it unethical for one firm/registrant to sit in on a proposal interview for another firm/registrant (a competitor)? Would this be a violation of the Rules of Professional Conduct?**

~~Although such conduct is unprofessional, it does not violate the Rules of Professional Conduct. No, this does not violate the Rules of Professional Conduct; however, the Board would respectfully discourage such action.~~

**14. Does Rule 0120-02-.02(6) apply only to individual design professionals, or does it also apply to corporations, partnerships, and firms?**

The rule applies to both individual design professionals and corporations, partnerships, and firms registered in the State of Tennessee (see Rule 0120-02-.01 Applicability).

**15. What disciplinary action may result from a violation of Rule 0120-02-.02(6)?**

Formal discipline could range from a civil penalty (\$~~5~~400-\$1,000 per violation) to suspension or even revocation, depending on the nature of the violation, for repeated, grave offenses.—The Board considers mitigating and aggravating factors when determining discipline.

**16. Can price be considered when selecting a design professional for a public project?**

The law does not prevent jurisdictions from negotiating price on projects requiring professional services. Upon selecting the most qualified design professional, the jurisdiction may then negotiate compensation with the registrant/firm. If the contracting agency and most highly qualified firm are unable to negotiate a fair and reasonable contract, the agency may formally terminate negotiations and

undertake negotiations with the next most qualified firm, continuing the process until an agreement is reached. The initial selection, however, must be based upon qualifications.

**17. Does T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) apply to transportation planning services for Metropolitan Planning Organizations?**

See response to question #3.

**18. Does T.C.A. § 12-4-107(a) and Rule 0120-02-.02(6) apply to subconsultants who do not contract directly with a government agency?**

No, based on the Board's current interpretation of understanding of the statute. T.C.A. § 12-4-107(a) applies only to contracts between a state or local government agency and an architect/engineer/landscape architect. If a registrant is not entering into a contract with a governmental entity, then they may include a fee in their proposal for a public project. However, in keeping with the spirit of the law, the Board urges registrants to select subconsultants on the basis of their qualifications.

**19. What is an appropriate way for a registrant to respond to a request for a price?**

If a registrant becomes aware of a state or local agency that is requesting a fee in a proposal for a public project, this should be brought to the attention of the Board office. In such cases, Board staff will send a letter to the agency issuing the RFP asking them to eliminate fees from their request. The Board has no jurisdiction over state and local government agencies, but, in most cases, the issuing agency will voluntarily remove the requirement to submit fees and reissue the request. Registrants may wish to provide information on Tenn. Code Ann. § 12-4-107(a) and Rule 0120-02-.02(6) to prospective clients so they will understand why submittals for public projects are non-responsive on the issue of fees. These FAQs and a QBS notice are available on the Board's website for distribution to state and local government agencies. State professional societies may also offer assistance in educating government agencies regarding qualifications-based selection.

**20. May an individual registered in other jurisdictions and not registered with the Tennessee Board offer or perform architectural, engineering, or landscape architectural services to the public in Tennessee or to a design competition in Tennessee if they are not either acting as consulting**

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**associates in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant?**

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**19.** (Answer provided based on the recent elimination of the design competition policy and adoption of changes to Rule 0120-01-.03). Rule 0120-01-.03(2) of the Board states that proposals may not be submitted, contracts may not be signed, or work may not be commenced until the architect, engineer, or landscape architect becomes registered in Tennessee. Therefore, an individual registered in other jurisdictions and not registered with the Tennessee Board must first register with the Tennessee Board before submitting any proposals, signing any contracts, or commencing any work to the public or to a design competition, unless they are either acting as consulting associates in accordance with T.C.A. § 62-2-103(2) or working under the responsible charge of a Tennessee registrant. However, architects, engineers, or landscape architects registered in other jurisdictions, but not in Tennessee, may respond to letters of inquiry from prospective clients or regarding requests for proposals or requests for qualifications, provided there is written disclosure that the architect, engineer, or landscape architect is not registered in Tennessee and the response is limited to inquiries regarding scope of project and to demonstrate interest.

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**21. May a registrant submit historical data or hourly rates to an agency soliciting bids or qualifications prior to selection in response to a bid letting for architectural, engineering, and construction services controlled by T.C.A. § 12-4-107(a)?**

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**20.**—Rule 0120-02-.02(6) of the Board states that, in a bid letting controlled by T.C.A. § 12-4-107(a), “[a] registrant may not submit any information as part of a proposal for a public project to the state or any of its political subdivisions that would enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required, thereby precluding participation in any system requiring a comparison of compensation.” Each complaint is reviewed on its individual merits; however, depending on the individual facts of a case, to the extent that providing historical data or hourly rates “enable the governmental entity to evaluate the proposal on any basis other than the competence and qualifications of the registrant to provide the services required”, providing such information may be in violation of the rule and, as such, may result in disciplinary action against the registrant. Historical data which does not enable the evaluation on a basis other than competency or qualifications would not be prohibited.

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~~If a registrant becomes aware of a state or local agency that is requesting a fee in a proposal for a public project, this should be brought to the attention of the Board office. In such cases, Board staff will send a letter to the agency issuing the RFP asking them to eliminate fees from their request. The Board has no jurisdiction over state and local government agencies, but, in most cases, the issuing agency will voluntarily remove the requirement to submit fees and reissue the request. Registrants may wish to provide information on Tenn. Code Ann. § 12-4-107(a) and Rule 0120-02-.02(6) to prospective clients so they will understand why submittals for public projects are non-responsive on the issue of fees. State professional societies may also offer assistance in educating government agencies regarding qualifications-based selection.~~

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~~The above responses reflect the Board of Architectural and Engineering Examiners' interpretation of T.C.A. § 12-4-107, as necessary to enforce Rule 0120-02-.02(6), and were adopted on June 12, 2014, and revised and adopted on October 10, 2014, June 4, 2015, and August 12, 2015. The above responses should not be viewed as comprehensive, and registrants are urged to contact the Board office for questions that are not addressed in this document.~~